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भारत का राजपत्र
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सं. 28] नई दिल्ली, जुलाई 6—जुलाई 12, 2003, शनिवार/आषाढ़ 15—आषाढ़ 21, 1925
No. 28] NEW DELHI, JULY 6—JULY 12, 2003, SATURDAY/ASADHA 15—ASADHA 21, 1925

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके
Separate Paging is given to this Part in order that it may be filed as a separate compilation

भाग II—खण्ड 3—उप-खण्ड (ii)
PART II—Section 3—Sub-section (ii)

भारत सरकार के मंत्रालयों (रक्षा मंत्रालय को छोड़कर) द्वारा जारी किए गए सांविधिक आदेश और अधिसूचनाएं
Statutory Orders and Notifications Issued by the Ministries of the Government of India (Other than the Ministry of Defence)

गृह मंत्रालय

नई दिल्ली, 27 जून, 2003

का.आ. 1866.—केन्द्रीय सरकार, सीमा सुरक्षा बल अधिनियम, 1968 (1968 का 47) की धारा 141 की उपधारा (1) और उपधारा (2) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, सीमा सुरक्षा बल नियम, 1969 का और संशोधन करने के लिए निम्नलिखित नियम बनाती है, अर्थात् :—

1. (1) इन नियमों का संक्षिप्त नाम सीमा सुरक्षा बल (संशोधन) नियम, 2003 है।

(2) ये राजपत्र में प्रकाशन की तारीख को प्रवृत्त होंगे।

2. सीमा सुरक्षा बल नियम, 1969 में, नियम 28 'क' के स्थान पर निम्नलिखित नियम रखा जाएगा, अर्थात् :—

"अधिनियम के अधीन रहते हुए कोई भी व्यक्ति, जो स्वयं को इस अध्याय के अधीन पारित अपनी सेवा समाप्ति के किसी आदेश से व्यथित समझता है; किसी अधिकारी की दशा में, केन्द्रीय सरकार को सहायक उप निरीक्षक या अधीनस्थ अधिकारी की दशा में, महानिदेशक को और किसी अभ्यावेशित व्यक्ति की दशा में महानिरीक्षक को, अपनी याचिका प्रस्तुत कर सकता हैं, जो उस याचिका पर ऐसा आदेश पारित कर सकेंगे, जिसे वे ठीक समझे।

परन्तु ऐसी याचिका फाईल करने के लिए परिसीमा अवधि सेवा समाप्ति के आदेश की तारीख से या इसकी प्राप्ति की तारीख से, जो भी बाद में हो, तीन मास होगी।"

[फा. सं. 1(21)2000-मु.वि.अ./सीसुबल]
दुर्गा शंकर मिश्र, निदेशक (कार्मिक)

पाद टिप्पणी—मूल नियम का. आ. 2336 तारीख 9 जून, 1969 के अधीन प्रकाशित किए गए थे और उनमें पश्चात्वर्ती संशोधन निम्नानुसार किए गए।

(i) का० आ० 1362 तारीख 7 अप्रैल, 1970
(ii) का० आ० 4034 तारीख 21 अक्टूबर, 1971
(iii) का० आ० 5087 तारीख 6 नवम्बर, 1971
(iv) का० आ० 329 (इ) तारीख 29 अप्रैल, 1981
(v) का० आ० 155 तारीख 01 मार्च, 1983
(vi) का० आ० 187 (इ) तारीख 23 मार्च, 1984
(vii) का० आ० 436 (इ) तारीख 29 मार्च, 1990
(viii) का० आ० 188 (इ) तारीख 13 मार्च, 1993

(ix) का० आ० 1040 तारीख 25 मार्च, 1996

(x) का० आ० 1686 तारीख 31 मई, 1996

(xi) का० आ० 166 तारीख 14 जनवरी, 1998

(xii) का० आ० 55 (इ) तारीख 01 फरवरी, 1999

(xiii) का० आ० 544 तारीख 15 फरवरी, 2002

(xiv) का० आ० 1644 तारीख 08 मई, 2002

MINISTRY OF HOME AFFAIRS

New Delhi, the 27th June, 2003

S.O. 1866.—In exercise of the powers conferred by Sub section (1) and (2) of Section 141 of the Border Security Force Act, 1968 (47 of 1968), the Central Government hereby makes the following rules further to amend the Border Security Force Rules, 1969, namely :—

1. (1) These rules may be called the Border Security Force (Amendment) Rules 2003.

(2) They shall come into force on the date of their publication in the Official Gazette.

2. In the Border Security Force Rules, 1969, for rule 28A, the following rule shall be substituted, namely :—

"Any person subject to the Act, who considers himself aggrieved by any order of termination of his service passed under this Chapter may; in the case of an officer, present a petition to the Central Government, in the case of an Assistant Sub Inspector or a subordinate officer, present a petition to the Director General and in the case of an enrolled person, present a petition to the Inspector General, who may pass such orders on the petition as deemed fit.

Provided that the limitation period for filing such petition shall be three months from the date of order of termination or from the date of its receipt, whichever is later".

[F. No. 1(21)2000-CLO/BSF]

DURGA SHANKAR MISHRA, Director (Pers)

Foot Note :—The principal rules were published in Gazette of India vide S. O. 2336 dated 9 June 1969 and subsequently amended by :—

(i) S.O. 1362 dated 07 April, 1970

(ii) S.O. 4034 dated 21 October, 1971

(iii) SO. 5087 dated 06 Nov, 1971

(iv) S.O. 329(E) dated 29 Apr, 1981

(v) S.O. 155 dated 01 Mar, 1983

(vi) S.O. 187(E) dated 23 Mar, 1984

(vii) S.O. 436(E) dated 29 May, 1990

(viii) S.O. 188(E) dated 13 Mar, 1993

(ix) S.O. 1040 dated 25 Mar, 1996

(x) S.O. 1686 dated 31 May, 1996

(xi) S.O. 166 dated 14 Jan, 1998

(xii) S.O. 55(E) dated 01 Feb, 1999

(xiii) S.O. 544 dated 15 Feb, 2002

(xiv) S.O. 1644 dated 08 May, 2002

वित्त मंत्रालय

(राजस्व विभाग)

केन्द्रीय प्रत्यक्ष कर बोर्ड

नई दिल्ली, 17 अप्रैल, 2003

(आयकर)

का. आ. 1867.—आयकर अधिनियम 1961 (1961 का 43) की धारा 10 के खण्ड (23) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केंद्रीय सरकार एतद्द्वारा 'ए. आई. टी.ए. ट्रस्ट नई दिल्ली' को वर्ष 2001-2002 से 2002-2003 तक के कर निर्धारण वर्षों के लिए निम्नलिखित शर्तों के अधीन रहते हुए उक्त खंड के प्रयोजनार्थ अधिसूचित करती है, अर्थात् :—

(i) कर-निर्धारिती उसकी आय का इस्तेमाल अथवा उसकी आय का इस्तेमाल करने के लिए उसका संचयन इस प्रकार के संचयन हेतु उक्त खंड (23) द्वारा यथा संशोधित धारा 11 की उपधारा (2) और (3) के उपबंधों के अनुरूप पूर्णतया तथा अनन्यतया उन उद्देश्यों के लिए करेगा जिनके लिए इसकी स्थापना की गई है,

(ii) कर-निर्धारिती उपर्युक्त कर निर्धारण वर्षों से संगत पूर्ववर्ती वर्षों की किसी भी अवधि के दौरान धारा 11 की उपधारा (5) में विनिर्दिष्ट किसी एक अथवा एक से अधिक ढंग अथवा तरीकों से भिन्न तरीकों से उसकी निधि (जेवर-जवाहिरात, फर्नीचर अथवा किसी अन्य वस्तु, जिसे उपर्युक्त खण्ड (23) के तीसरे परन्तुक के अधीन बोर्ड द्वारा अधिसूचित किया जाए, के रूप में प्राप्त तथा अनुरक्षित स्वैच्छिक अंशदान से भिन्न) का निवेश नहीं करेगा अथवा उसे जमा नहीं करवा सकेगा,

(iii) कर-निर्धारिती इसके सदस्यों को किसी भी तरीके से इसकी आय के किसी भाग का संवितरण इससे सम्बद्ध किसी एसोसिएशन अथवा संस्था को अनुदान के अलावा नहीं करेगा, और

(iv) यह अधिसूचना किसी ऐसी आय के संबंध में लागू नहीं होगी, जो कि कारोबार से प्राप्त लाभ तथा अभिलाभ हो जब तक कि ऐसा कारोबार उक्त कर-निर्धारिती के उद्देश्यों की प्राप्ति के लिए प्रासंगिक नहीं हो तथा ऐसे कारोबार के संबंध में अलग से लेखा पुस्तिकाएं नहीं रखी जाती हों।

[अधिसूचना सं. 92/2003/फा. सं. 196/22/2002-आयकर नि.-1]

आई. पी. एस. बिन्द्रा, अवर सचिव

MINISTRY OF FINANCE

(Department of Revenue)

Central Board of Direct Taxes

New Delhi, the 17th April, 2003

(INCOME-TAX)

S.O. 1867.— In exercise of the powers conferred by clause (23) of section 10 of the Income-tax Act, 1961 (43 of 1961) the Central Government hereby notifies **"AITA Trust, New Delhi"** for the purpose of the said clause for the assessment years **2001-2002 to 2002-2003** subject to the following conditions namely :—

(i) the assessee will apply its income, or accumulate it for application, in consonance with the provisions of Sub-section (2) and (3) of Section 11 as modified by the said clause (23) for such accumulation wholly and exclusively to the objects for which it is established;

(ii) the assessee will not invest or deposit its fund (other than voluntary contributions received and maintained in the form of jewellery, furniture or any other articles as may be notified by the Board under the third provisions to the aforesaid clause (23) for any period during the previous years relevant to the assessment years mentioned above otherwise than in any one or more of the forms or modes specified in Sub-section (5) of Section 11;

(iii) the assessee will not distribute any part of its income in any manner to its members except as grants to any association or institution affiliated to it; and

(iv) the notification will not apply in relation to any income, being profits and gains of business unless the business is incidental to the attaintment of the objectives of the assessee and separate books of accounts are maintained in respect of such business;

[Notification No. 92/2003/F. No. 196/22//2002-ITA-I]

I. P. S. BINDRA, Under Secy.

नई दिल्ली, 30 अप्रैल, 2003

(आयकर)

का. आ. 1868.—आयकर अधिनियम 1961 (1961 का 43) की धारा 80जी की उप-धारा (2) के खण्ड (बी) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए और फा. सं. 176/18/2000 आयकर नि.-1 से जारी पूर्व अधिसूचना सं. 11478 दिनांक 7-9-2000 पर आगे कार्रवाई करने के लिए केन्द्रीय सरकार एतद्द्वारा 'श्री श्री सर्वमंगला ट्रस्ट बोर्ड, बर्दवान' को उक्त धारा के प्रयोजनार्थ सम्पूर्ण पश्चिमी बंगाल राज्य और अन्य निकटवर्ती राज्यों में एक प्रसिद्ध सार्वजनिक पूजा स्थल के रूप में विनिर्दिष्ट करती है।

2. यह अधिसूचना दिनांक 7-9-2000 की अधिसूचना सं. 11478 में यथा उल्लिखित 72,25,000/- रु. की कुल राशि में से शेष 58,34,466/-रु. (अट्ठावन लाख चौतीस हजार चार सौ छियासठ रुपये मात्र) की सीमा तक मरम्मत/जीर्णोद्धार कार्य हेतु वैध होगी और उक्त धनराशि को वसूल लिए जाने अथवा 31-3-2005, जो भी पहले हो, के बाद प्रभावी नहीं होगी।

[अधिसूचना सं. 96/2003/फा. सं. 178/27/2003-आयकर नि.-1]

आई. पी. एस. बिन्द्रा, अवर सचिव

New Delhi, the 30th April, 2003

(INCOME-TAX)

S.O. 1868.— In exercise of the powers conferred by the clause (b) of Sub-section (2) of Section 80G of the Income-tax Act, 1961 (43 of 1961) and in furtherance of earlier Notification No. 11478 dated 7-9-2000 issued from F. No. 176/18/2000-ITA.I, the Central Government hereby specifies the **"Sri Sri Sarbamongala Trust Board, Burdwan"** to be a place of public worship of renown throughout the State of West Bengal and other nearby States for the purpose of the said Section.

2. This Notification will be valid only for the repair/renovation work to the extent of remaining Rs. 58,34,466/- (Rupees fifty eight lakhs thirtyfour thousand and four hundred sixty six only) out of total amount of Rs. 72,25,000/- as mentioned in Notification No. 11478 dated 7-9-2000, and will cease to be effective after the said amount has been collected or 31-3-2005, whichever is earlier.

[Notification No. 96/2003/F. No. 178/27//2003-ITA-I]

I. P. S. BINDRA, Under Secy.

नई दिल्ली, 30 अप्रैल, 2003

(आयकर)

का. आ. 1869.—आयकर अधिनियम 1961 (1961 का 43) की धारा 10 के खण्ड (23ग) के उपखंड (V) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केंद्रीय सरकार एतद्द्वारा "श्री कृष्ण जन्मस्थान सेवा संस्थान कात्र केशव देव, मथुरा" को वर्ष 2002-2003 से 2004-2005

तक के कर निर्धारण वर्षों के लिए निम्नलिखित शर्तों के अधीन रहते हुए उक्त उप खंड के प्रयोजनार्थ अधिसूचित करती है, अर्थात् :—

(i) कर-निर्धारिती उसकी आय का इस्तेमाल अथवा उसकी आय का इस्तेमाल करने के लिए उसका संचयन पूर्णतया तथा अनन्यतया उन उद्देश्यों के लिए करेगा, जिनके लिए इसकी स्थापना की गई है;

(ii) कर-निर्धारिती उपर्युक्त कर निर्धारण वर्षों से संगत पूर्ववर्ती वर्षों की किसी भी अवधि के दौरान धारा 11 की उपधारा (5) में विनिर्दिष्ट किसी एक अथवा एक से अधिक ढंग अथवा तरीकों से भिन्न तरीकों से उसकी निधि (जेवर-जवाहिरात, फर्नीचर अथवा किसी अन्य वस्तु, आदि के रूप में प्राप्त तथा अनुरक्षित स्वैच्छिक अंशदान से भिन्न) का निवेश नहीं करेगा अथवा उसे जमा नहीं करवा सकेगा;

(iii) यह अधिसूचना किसी ऐसी आय के संबंध में लागू नहीं होगी, जो कि कारोबार से प्राप्त लाभ तथा अभिलाभ हो जब तक कि ऐसा कारोबार उक्त कर-निर्धारिती के उद्देश्यों की प्राप्ति के लिए प्रासंगिक नहीं हो तथा ऐसे कारोबार के संबंध में अलग से लेखा पुस्तिकाएं नहीं रखी जाती हों;

(iv) कर-निर्धारिती आयकर अधिनियम, 1961 के प्रावधानों के अनुसार अपनी आय विवरणी नियमित रूप से आयकर प्राधिकारी के समक्ष फाइल करेगा;

(v) विघटन की स्थिति में अतिरिक्त राशियाँ और परिसम्पत्तियां समान उद्देश्यों वाले धार्मार्थ संगठन को दे दी जाएगी।

[अधिसूचना सं. 97/2003/फा. सं. 197/54/2003-आयकर नि.-1]

आई. पी. एस. बिन्द्रा, अवर सचिव

New Delhi, the 30th April, 2003

(INCOME-TAX)

S.O. 1869.— In exercise of powers conferred by the sub-clause (v) of clause (23C) of section 10 of the Income-tax Act, 1961 (43 of 1961) the Central Government hereby notifies the **"Shri Krishna Janmashthan Seva Sansthan, Katra Keshav Dev, Mathura"** for the purpose of the said sub-clause for the assessment years **2002-2003 to 2004-2005** subject to the following conditions, namely :—

(i) the assessee will apply its income, or accumulate for application, wholly and exclusively to the objects for which it is established;

(ii) the assessee will not invest or deposit its fund (other than voluntary contributions received and maintained in the form of jewellery, furniture etc.) for any period during the previous years relevant to the assessment years mentioned above otherwise than in any one or more of the forms or modes specified in Sub-section (5) of Section 11;

(iii) this notification will not apply in relation to any income, being profits and gains of business unless the business is incidental to the attaintment of the objectives of the assessee and separate books of accounts are maintained in respect of such business;

(iv) the assessee will regularly file its return of income before the Income-tax authority in accordance with the provisions of the Income-tax Act, 1961;

(v) that in the event of dissolution, its surplus and the assets will be given to a charitable organisation with similar objectives.

[Notification No. 97/2003/F. No. 197/54//2003-ITA-I]

I.P.S. BINDRA, Under Secy.

नई दिल्ली, 21 मई, 2003

(आयकर)

का. आ. 1870.—आयकर अधिनियम, 1961 (1961 का 43) की धारा 10 के खण्ड (23ग) के उपखंड (V) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केंद्रीय सरकार एतद्द्वारा "दि मुस्लिम आरफैनेज कमेटी, त्रिरुनालवेली" को वर्ष 1998-1999 से 2000-2001 तक के कर निर्धारण वर्षों के लिए निम्नलिखित शर्तों के अधीन रहते हुए उक्त उप खंड के प्रयोजनार्थ अधिसूचित करती है, अर्थात् :—

(i) कर-निर्धारिती उसकी आय का इस्तेमाल अथवा उसकी आय का इस्तेमाल करने के लिए उसका संचयन पूर्णतया तथा अनन्यतया उन उद्देश्यों के लिए करेगा, जिनके लिए इसकी स्थापना की गई है;

(ii) कर-निर्धारिती उपर्युक्त कर निर्धारण वर्षों से संगत पूर्ववर्ती वर्षों की किसी भी अवधि के दौरान धारा 11 की उपधारा (5) में विनिर्दिष्ट किसी एक अथवा एक से अधिक ढंग अथवा तरीकों से भिन्न तरीकों से उसकी निधि (जेवर-जवाहिरात, फर्नीचर अथवा किसी अन्य वस्तु, आदि के रूप में प्राप्त तथा अनुरक्षित स्वैच्छिक अंशदान से भिन्न) का निवेश नहीं करेगा अथवा उसे जमा नहीं करवा सकेगा;

(iii) यह अधिसूचना किसी ऐसी आय के संबंध में लागू नहीं होगी, जो कि कारोबार से प्राप्त लाभ तथा अभिलाभ हो जब तक कि ऐसा कारोबार उक्त कर-निर्धारिती के उद्देश्यों की प्राप्ति के लिए प्रासंगिक नहीं हो तथा ऐसे

कारोबार के संबंध में अलग से लेखा पुस्तिकाएं नहीं रखी जाती हों;

(iv) कर-निर्धारिती आयकर अधिनियम, 1961 के प्रावधानों के अनुसार अपनी आय विवरणी नियमित रूप से आयकर प्राधिकारी के समक्ष फाइल करेगा;

(v) विघटन की स्थिति में अतिरिक्त राशियाँ और परिसम्पत्तियां समान उद्देश्यों वाले धर्मार्थ संगठन को दे दी जाएंगी।

[अधिसूचना सं. 136/2003/फा. सं. 197/50/2003-आयकर नि०-1]

आई. पी. एस. बिन्द्रा, अवर सचिव

New Delhi, the 21st May, 2003

(INCOME-TAX)

S.O. 1870.— In exercise of powers conferred by the sub-clause (V) of clause (23C) of Section 10 of the Income-tax Act, 1961 (43 of 1961) the Central Government hereby notifies **"The Muslim Orphanage Committee, Tirunalvelli"** for the purpose of the said sub-clause for the assessment years **1998-1999 to 2000-2001** subject to the following conditions, namely :—

(i) the assessee will apply its income, or accumulate for application, wholly and exclusively to the objects for which it is established;

(ii) the assessee will not invest or deposit its fund (other than voluntary contributions received and maintained in the form of jewellery, furniture etc.) for any period during the previous years relevant to the assessment years mentioned above otherwise than in any one or more of the forms or modes specified in Sub-section (5) of Section 11;

(iii) this notification will not apply in relation to any income being profits and gains of business, unless the business is incidental to the attaintment of the objectives of the assessee and separate books of accounts are maintained in respect of such business;

(iv) the assessee will regularly file its return of income before the Income-tax authority in accordance with the provisions of the Income-tax Act, 1961;

(v) that in the event of dissolution, its surplus and the assets will be given to a charitable organisation with similar objectives.

[Notification No. 136/2003/F. No. 197/50//2003-ITA-I]

I.P.S. BINDRA, Under Secy.

नई दिल्ली, 21 मई, 2003

(आयकर)

का. आ. 1871.—आयकर अधिनियम, 1961 (1961 का 43) की धारा 10 के खण्ड (23ग) के उपखंड (V) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केंद्रीय सरकार एतद्द्वारा "दि जेसुएट मदुरई प्रोविन्स डन्डीगुल, तमिलनाडु" को वर्ष 1994-1995 से 1996-1997 तक के कर निर्धारण वर्षों के लिए निम्नलिखित शर्तों के अधीन रहते हुए उक्त उप खंड के प्रयोजनार्थ अधिसूचित करती है, अर्थात् :—

(i) कर-निर्धारिती उसकी आय का इस्तेमाल अथवा उसकी आय का इस्तेमाल करने के लिए उसका संचयन पूर्णतया तथा अनन्यतया उन उद्देश्यों के लिए करेगा, जिनके लिए इसकी स्थापना की गई है;

(ii) कर-निर्धारिती उपर्युक्त कर निर्धारण वर्षों से संगत पूर्ववर्ती वर्षों की किसी भी अवधि के दौरान धारा 11 की उपधारा (5) में विनिर्दिष्ट किसी एक अथवा एक से अधिक ढंग अथवा तरीकों से भिन्न तरीकों से उसकी निधि (जेवर-जवाहिरात, फर्नीचर आदि के रूप में प्राप्त तथा अनुरक्षित स्वैच्छिक अंशदान से भिन्न) का निवेश नहीं करेगा अथवा उसे जमा नहीं करवा सकेगा;

(iii) यह अधिसूचना किसी ऐसी आय के संबंध में लागू नहीं होगी, जो कि कारोबार से प्राप्त लाभ तथा अभिलाभ हो जब तक कि ऐसा कारोबार उक्त कर-निर्धारिती के उद्देश्यों की प्राप्ति के लिए प्रासंगिक नहीं हो तथा ऐसे कारोबार के संबंध में अलग से लेखा पुस्तिकाएं नहीं रखी जाती हों;

(iv) कर-निर्धारिती आयकर अधिनियम, 1961 के प्रावधानों के अनुसार अपनी आय विवरणी नियमित रूप से आयकर प्राधिकारी के समक्ष फाइल करेगा;

(v) विघटन की स्थिति में अतिरिक्त राशियाँ और परिसम्पत्तियां समान उद्देश्यों वाले धर्मार्थ संगठन को दे दी जाएगी।

[अधिसूचना सं. 135/2003-फा. सं. 197/21/2003-आयकर नि०-1]

आई. पी. एस. बिन्द्रा, अवर सचिव

New Delhi, the 21st May, 2003

(INCOME-TAX)

S.O. 1871.— In exercise of powers conferred by the sub-clause (V) of clause (23C) of Section 10 of the Income-tax Act, 1961 (43 of 1961) the Central Government hereby notifies **"The Jesuit Madurai Province, Dandigul, Tamil Nadu"** for the purpose of the said sub-clause for the assessment years **1994-1995 to 1996-1997** subject to the following conditions namely :—

(i) the assessee will apply its income, or accumulate for application, wholly and exclusively to the objects for which it is established;

(ii) the assessee will not invest or deposit its fund (other than voluntary contributions received and maintained in the form of jewellery, furniture etc.) for any period during the previous years relevant to the assessment years mentioned above otherwise than in any one or more of the forms or modes specified in Sub-section (5) of Section 11;

(iii) this notification will not apply in relation to any income being profits and gains of business, unless the business is incidental to the attaintment of the objectives of the assessee and separate books of accounts are maintained in respect of such business;

(iv) the assessee will regularly file its return of income before the Income-tax authority in accordance with the provisions of the Income-tax Act, 1961;

(v) that in the event of dissolution, its surplus and the assets will be given to a charitable organisation with similar objectives.

[Notification No. 135/2003/F. No. 197/21//2003-ITA-I]

I.P.S. BINDRA, Under Secy.

नई दिल्ली, 30 मई, 2003

(आयकर)

का. आ. 1872.—आयकर अधिनियम, 1961 (1961 का 43) की धारा 10 के खण्ड (23) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केंद्रीय सरकार एतद्द्वारा "पंजिम जिमखाना पणजी, गोवा" को वर्ष 1999-2000 से 2001-2002 तक के कर निर्धारण वर्षों के लिए निम्नलिखित शर्तों के अधीन रहते हुए उक्त खंड के प्रयोजनार्थ अधिसूचित करती है, अर्थात् :—

(i) कर-निर्धारिती उसकी आय का इस्तेमाल अथवा उसकी आय का इस्तेमाल करने के लिए उसका संचयन इस प्रकार के संचयन हेतु उक्त खंड (23) द्वारा यथा संशोधित धारा 11 की उपधारा (2) और (3) के उपबंधों के अनुरूप पूर्णतया तथा अनन्यतया उन उद्देश्यों के लिए करेगा, जिनके लिए इसकी स्थापना की गई है;

(ii) कर-निर्धारिती उपर्युक्त कर निर्धारण वर्षों से संगत पूर्ववर्ती वर्षों की किसी भी अवधि के दौरान धारा 11 की उपधारा (5) में विनिर्दिष्ट किसी एक अथवा एक से अधिक ढंग अथवा तरीकों से भिन्न तरीकों से उसकी निधि [जेवर-जवाहिरात, फर्नीचर अथवा किसी अन्य वस्तु, जिसे उपर्युक्त खंड (23) के तीसरे परन्तुक के अधीन बोर्ड द्वारा अधिसूचित किया जाए, कि रूप में प्राप्त तथा अनुरक्षित स्वैच्छिक अंशदान से भिन्न] का निवेश नहीं करेगा अथवा उसे जमा नहीं करवा सकेगा;

(iii) कर निर्धारिती इसके सदस्यों को किसी भी तरीके से इसकी आय के किसी भाग को संवितरण इससे सम्बद्ध किसी एसोसिएशन अथवा संस्था को अनुदान के अलावा नहीं करेगा, और

(iv) यह अधिसूचना किसी ऐसी आय के संबंध में लागू नहीं होगी, जो कि कारोबार से प्राप्त लाभ तथा अभिलाभ हो जब कि ऐसा कारोबार उक्त कर-निर्धारिती के उद्देश्यों की प्राप्ति के लिए प्रासंगिक नहीं हो तथा ऐसे कारोबार के संबंध में अलग से लेखा पुस्तिकाएं नहीं रखी जाती हों।

[अधिसूचना सं. 140/2003/फा. सं. 196/4/2003-आयकर नि०-1]

आई. पी. एस. बिन्द्रा, अवर सचिव

New Delhi, the 30th May, 2003

(INCOME-TAX)

S.O. 1872.— In exercise of powers conferred by clause (23) of Section 10 of the Income-tax Act, 1961 (43 of 1961) the Central Government hereby notifies **"Panjim Gymkhana, Panaji, Goa"** for the purpose of the said clause for the assessment years **1999-2000 to 2001-2002** subject to the following conditions, namely :—

(i) the assessee will apply its income, or accumulate it for application, in consonance with the provisions of Sub-section (2) and (3) of Section 11 as modified by the said clause (23) for such accumulation wholly and exclusively to the objects for which it is established;

(ii) the assessee will not invest or deposit its fund [other than voluntary contributions received and maintained in the form of jewellery, furniture or any other articles as may be notified by the Board under the third provisions to the aforesaid clause (23)] for any period during the previous years relevant to the assessment years mentioned above otherwise than in any one or more of the forms or modes specified in Sub-section (5) of Section 11;

(iii) the assessee will not distribute any part of its income in any manner to its members except as grants to any association or institution affiliated to it; and

(iv) the notification will not apply in relation to any income, being profits and gains of business unless the business is incidental to the attaintment of the objectives of the assessee and separate books of accounts are maintained in respect of such business.

[Notification No. 140/2003/F. No. 196/4//2003-ITA-I]

I.P.S. BINDRA, Under Secy.

(आर्थिक कार्य विभाग)

(बैंकिंग प्रभाग)

नई दिल्ली, 16 जून, 2003

का. आ. 1873.—भारतीय स्टेट बैंक (अनुषंगी बैंक) अधिनियम, 1959 (1959 का 38) की धारा 26 की उपधारा (2क) के साथ पठित धारा 25 की उपधारा (1) के खंड (ग ख) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, भारतीय रिजर्व बैंक से परामर्श करने के पश्चात् अधिकारी संघ, मैसूर इकाई के अध्यक्ष तथा प्रधान कार्यालय, बेंगलूर में उपप्रबंधक (मार्केटिंग) के रूप में तैनात श्री टी. एस. नागराज उर्फ कोप्पल नागराज को अधिसूचना की तारीख से 3 वर्ष की और उसके बाद उनके उत्तराधिकारी के नामित किए जाने की तारीख तक अथवा स्टेट बैंक ऑफ मैसूर में उनके अधिकारी के रूप में नियुक्त नहीं रहने पर, जो भी पहले हो, स्टेट बैंक ऑफ मैसूर के निदेशक मंडल में अधिकारी कर्मचारी निदेशक के रूप में नामित करती है बशर्ते कि वे छः वर्ष से अधिक की अवधि तक लगातार पद धारण नहीं करेंगे।

[एफ सं. 8/7/2002-बीओ-I]

रमेश चन्द, अवर सचिव

(Department of Economic Affairs)

(Banking Division)

New Delhi, the 16th June, 2003

S.O. 1873.—In exercise of the powers conferred by clause (cb) of sub-section (1) of Section 25 read with sub-section (2A) of Section 26 of the State Bank of India (Subsidiary Banks) Act, 1959 (38 of 1959), the Central Government, after consultation with the Reserve Bank of India, hereby nominates Shri T. S. Nagaraja alias Koppal Nagaraja, Chairman of Associate Banks' Officers' Association, Mysore Unit and posted as Deputy Manager (Marketing) at Head Office, Bangalore as Officer Employee Director on the Board of Directors of State Bank of Mysore for a period of three years from the date of notification and thereafter till the date his successor has been nominated or until he ceases to be an officer of State Bank of Mysore, whichever is earlier, provided that he shall not hold office continuously for a period exceeding six years.

[F. No. 8/7/2002-B.O.I]

RAMESH CHAND, Under Secy.

नई दिल्ली, 17 जून, 2003

का. आ. 1874.—भारतीय रिजर्व बैंक अधिनियम, 1934 की धारा 8 की उपधारा (4) के साथ पठित उपधारा (1) के खंड (क) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्र सरकार, एतद्द्वारा, श्री वेपा कामेसम को दिनांक 1-7-2003 से और 23-09-2003 तक, जब वे 62 वर्ष के हो जाएंगे, की अवधि के लिए, या अगले आदेशों तक भारतीय रिजर्व बैंक के उप-गवर्नर के रूप में पुनः नियुक्त करती है।

[फा. सं. 7/2/2003-बी ओ-I]

शेखर अग्रवाल, संयुक्त सचिव

New Delhi, the 17th June, 2003

S.O. 1874.—In exercise of the powers conferred by clause (a) of sub-section (1) read with sub-section (4) of section 8 of the Reserve Bank of India Act, 1934, the Central Government, hereby re-appoints Shri Vepa Kamesam as Deputy Governor, Reserve Bank of India for the period from 01-07-2003 and upto 23-09-2003, when he will attain the age of 62 years or until further orders.

[F. No. 7/2/2003-B.O.I]

SHEKHAR AGARWAL, Jt. Secy.

नई दिल्ली, 18 जून, 2003

का. आ. 1875.—राष्ट्रीयकृत बैंक (प्रबंध एवं प्रकीर्ण उपबंध) स्कीम, 1970 के खंड (9) के उपखंड (1) और (2) के साथ पठित बैंककारी कंपनी (उपक्रमों का अर्जन एवं अंतरण) अधिनियम, 1970 की धारा 9 की उपधारा (3) के खंड (च) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, भारतीय रिजर्व बैंक से परामर्श करने के पश्चात् एतद्द्वारा अखिल भारतीय सेंट्रल बैंक अधिकारी संघ के महासचिव एवं केन्द्रीय कार्यालय में मुख्य प्रबंधक के रूप में नियुक्त श्री आर.सी. अग्रवाल को अधिसूचना जारी होने की तारीख से तीन वर्ष की अवधि के लिए अथवा उनके सेंट्रल बैंक ऑफ इंडिया के अधिकारी नहीं रहने पर अथवा अगले आदेश तक, इनमें से जो भी पहले हो, सेंट्रल बैंक ऑफ इंडिया के निदेशक मंडल में अधिकारी कर्मचारी निदेशक के रूप में नामित करती है, बशर्ते कि वे लगातार छः वर्ष से अधिक की अवधि तक पद पर तैनात नहीं होते। यह नामांकन बैंक ऑफ महाराष्ट्र अधिकारी संघ द्वारा मुम्बई उच्च न्यायालय में दायर वर्ष 2001 की रिट याचिका संख्या 5394 के निर्णय के अध्यधीन होगा।

[एफ सं. 9/10/2001-बीओ-I]

रमेश चन्द, अवर सचिव

New Delhi, the 18th June, 2003

S.O. 1875.—In exercise of the powers conferred by clause (f) of sub-section 3 of Section 9 of the Banking Companies (Acquisition and Transfer of Undertakings) Act, 1970 read with sub-clause (1) and (2) of clause (9) of the Nationalised Banks (Management and Miscellaneous Provisions) Scheme, 1970, the Central Government, after consultation with the Reserve Bank of India hereby nominates Shri R. C. Agarwal, General Secretary, All India Central Bank Officers' Federation and posted as Chief Manager, Central Office as Officer Employee Director on the Board of Directors of Central Bank of India for a period of three years with effect from the date of notification or until

he ceases to be an officer of Central Bank of India or until further orders, whichever is earlier, provided that he shall not hold office continuously for a period of six years. The nomination will be subject to the decision of the Mumbai High Court in writ petition No. 5394 of 2001 filed by Bank of Maharashtra Officers Association.

[F. No. 9/10/2001-B.O.I]

RAMESH CHAND, Under Secy.

(राजस्व विभाग)

आदेश

नई दिल्ली, 24 जून, 2003

स्टाम्प

का. आ. 1876.—भारतीय स्टाम्प अधिनियम, 1899 (1899 का 2) की धारा 9 की उप-धारा (1) के खण्ड (क) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एतद्द्वारा, उस शुल्क को माफ करती है, जो पंजाब राज्य औद्योगिक विकास निगम लि., चंडीगढ़ द्वारा क्रमश: 31-12-2001, 01-03-2002, 31-03-2002 तथा 31-05-2002 को आवंटित किए गए मात्र एक सौ सतरह करोड़ आठ लाख रुपए के समग्र मूल्य के 11.74% (कराधेय) पं.रा.औ.वि.नि. बंधपत्रों-2007 (2002-पहली ऋंखला) के रूप में वर्णित प्रोमिसरी नोटों की प्रकृति वाले बंधपत्रों पर उक्त अधिनियम के तहत प्रभार्य है।

[सं. 29/2003-स्टाम्प/फा. सं. 33/8/2003-बि. क.]

अभय त्रिपाठी, निदेशक (बिक्री कर)

(Department of Revenue)

ORDER

New Delhi, the 24th June, 2003

STAMPS

S.O. 1876.—In exercise of the powers conferred by clause (a) of sub-section (1) of Section 9 of the Indian Stamp Act, 1899 (2 of 1899), the Central Government hereby remits the duty with which the bonds in the nature of promissory notes described as 11.74% (taxable) PSIDC bonds—2007 (2002—1st Series) aggregating to rupees one hundred seventeen crore eight lakh only allotted on 31-12-2001, 01-03-2002, 31-03-2002 and 31-05-2002 respectively by the Punjab State Industrial Development Corporation Limited, Chandigarh, are chargeable under the said Act.

[No. 29/2003-STAMPS/F. No. 33/8/2003-ST]

ABHAY TRIPATHI, Director (Sales Tax)

केन्द्रीय प्रत्यक्ष कर बोर्ड

नई दिल्ली, 25 जून, 2003

(आयकर)

का. आ. 1877.—आयकर अधिनियम, 1961 (1961 का 43) की धारा 10 के खण्ड (23ग) के उपखंड (V) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केंद्रीय सरकार एतद्द्वारा "श्री द्वारकाधीशजी मंदिर, द्वारका, जामनगर" को वर्ष 1993-1994 से 1995-1996 तक के कर निर्धारण वर्षों के लिए निम्नलिखित शर्तों के अधीन रहते हुए उक्त खंड के प्रयोजनार्थ अधिसूचित करती है, अर्थात् :—

(i) कर-निर्धारिती उसकी आय का इस्तेमाल अथवा उसकी आय का इस्तेमाल करने के लिए उसका संचयन पूर्णतया तथा अनन्यतया उन उद्देश्यों के लिए करेगा, जिनके लिए इसकी स्थापना की गई है;

(ii) कर-निर्धारिती उपर्युक्त कर निर्धारण वर्षों से संगत पूर्ववर्ती वर्षों की किसी भी अवधि के दौरान धारा 11 की उपधारा (5) में विनिर्दिष्ट किसी एक अथवा एक से अधिक ढंग अथवा तरीकों से भिन्न तरीकों से उसकी निधि (जेवर-जवाहिरात, फर्नीचर आदि के रूप में प्राप्त तथा अनुरक्षित स्वैच्छिक अंशदान से भिन्न) का निवेश नहीं करेगा अथवा उसे जमा नहीं करवा सकेगा;

(iii) यह अधिसूचना किसी ऐसी आय के संबंध में लागू नहीं होगी, जो कि कारोबार से प्राप्त लाभ तथा अभिलाभ हो जब तक कि ऐसा कारोबार उक्त कर-निर्धारिती के उद्देश्यों की प्राप्ति के लिए प्रासंगिक नहीं हो तथा ऐसे कारोबार के संबंध में अलग से लेखा पुस्तिकाएं नहीं रखी जाती हों।

(iv) कर-निर्धारिती आयकर अधिनियम, 1961 के प्रावधानों के अनुसार अपनी आय विवरणी नियमित रूप से आयकर प्राधिकारी के समक्ष फाइल करेगा;

(v) कि विघटन की स्थिति में अतिरिक्त राशियाँ और परिसम्पत्तियां समान उद्देश्यों वाले धर्मार्थ संगठन को दे दी जाएगी।

[अधिसूचना सं. 157/2003/फा. सं. 197/91/2002-आयकर नि.-1]

आई. पी. एस. बिन्द्रा, अवर सचिव

Central Board of Direct Taxes

New Delhi, the 25th June, 2003

(INCOME-TAX)

S. O. 1877.—In exercise of the powers conferred by the sub-clause (v) of clause (23C) of Section 10 of the Income-tax Act, 1961 (43 of 1961) the Central Government hereby notifies **"Shri Dwarkadhishji Mandir, Dwarka, Jamnagar"** for the purpose of the said clause for the assessment years **1993-1994 to 1995-1996** subject to the following conditions namely :—

(i) the assessee will apply its income, or accumulate for application, wholly and exclusively to the objects for which it is established;

(ii) the assessee will not invest or deposit its fund (other than voluntary contributions received and maintained in the form of jewellery, furniture etc.) for any period during the previous

years relevant to the assessment years mentioned above otherwise than in any one or more of the forms or modes specified in sub-section (5) of Section 11;

(iii) this notification will not apply in relation to any income, being profits and gains of business unless the business is incidental to the attainment of the objectives of the assessee and separate books of accounts are maintained in respect of such business;

(iv) the assessee will regularly file its return of income before the Income-tax Authority in accordance with the provisions of the Income-tax Act, 1961;

(v) that in the event of dissolution, its surplus and the assets will be given to a charitable organisation with similar objectives.

[Notification No. 157/2003/F. No. 197/91//2002-ITA-I]

I.P.S. BINDRA, Under Secy.

(आर्थिक कार्य विभाग)

(बैंकिंग प्रभाग)

नई दिल्ली, 27 जून, 2003

का. आ. 1878.—राष्ट्रीयकृत बैंक (प्रबंध एवं प्रकीर्ण उपबंध) स्कीम, 1970 के खंड 3 के उपखंड (1) के साथ पठित बैंककारी कंपनी (उपक्रमों का अर्जन एवं अंतरण) अधिनियम, 1970 की धारा 9 की उपधारा (3) के खंड (ख) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, एतद्द्वारा वित्त मंत्रालय, राजस्व विभाग, नई दिल्ली में अतिरिक्त सचिव (राजस्व), श्री अनुपम दास गुप्ता को तत्काल प्रभाव से तथा अगला आदेश होने तक जो भी पहले हो, श्री आलोक कुमार के स्थान पर सेंट्रल बैंक ऑफ इंडिया के निदेशक मंडल में निदेशक के रूप में नामित करती है।

[एफ सं. 9/3/2002-बी.ओ.-I]

रमेश चन्द, अवर सचिव

(Department of Economic Affairs)

(Banking Division)

New Delhi, the 27th June, 2003

S.O. 1878.—In exercise of the powers conferred by clause (b) of Sub-section (3) of Section 9 of the Banking Companies (Acquisition and Transfer of Undertakings) Act, 1970 read with sub-clause (1) of clause 3 of the Nationalised Banks (Management and Miscellaneous Provisions) Scheme, 1970, the Central Government, hereby nominates Shri Anupam Das Gupta, Additional Secretary (Revenue), Ministry of Finance, Department of Revenue, New Delhi as a director on the Board of Directors of Central Bank of India with immediate effect and until further orders or until he ceases to be an officer of Ministry of Finance, whichever is earlier *vice* Shri Alok Kumar.

[F. No. 9/3/2002-B.O.I]

RAMESH CHAND, Under Secy.

नई दिल्ली, 30 जून, 2003

का. आ. 1879.—राष्ट्रीयकृत बैंक (प्रबंध एवं प्रकीर्ण उपबंध) स्कीम, 1970 के खंड 3 के उपखंड (1) के साथ पठित बैंककारी कंपनी (उपक्रमों का अर्जन एवं अंतरण) अधिनियम, 1970 की धारा 9 की उपधारा (3) के खंड (ग) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, एतद्द्वारा भारतीय रिजर्व बैंक, लखनऊ के मुख्य महाप्रबंधक (प्रभारी अधिकारी) श्री पी. सरण को श्री ए. वी. सरदेशाई के स्थान पर तत्काल प्रभाव से और आगामी आदेशों तक यूनियन बैंक ऑफ इंडिया के निदेशक के रूप में नामित करती है।

[एफ सं. 9/9/2003-बी.ओ.-I]

रमेश चन्द, अवर सचिव

New Delhi, the 30th June, 2003

S.O. 1879.—In exercise of the powers conferred by clause (c) of Sub-section (3) of Section 9 of the Banking Companies (Acquisition and Transfer of Undertakings) Act, 1970 read with sub-clause (1) of clause 3 of the Nationalised Banks (Management and Miscellaneous Provisions) Scheme, 1970, the Central Government, hereby nominates Shri P. Saran, Chief General Manager, (Officer-in-charge), Reserve Bank of India, Lucknow as a Director of Union Bank of India with immediate effect and until further orders *vice* Shri A. V. Sardesai.

[F. No. 9/9/2003-B.O.I]

RAMESH CHAND, Under Secy.

(राजस्व विभाग)

केन्द्रीय प्रत्यक्ष कर बोर्ड

नई दिल्ली, 3 जुलाई, 2003

(आयकर)

का. आ. 1880.—आयकर अधिनियम, 1961 (1961 का 43) की धारा 10 के खण्ड (23ग) के उपखंड (V) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केंद्रीय सरकार एतद्द्वारा "दि जेसूट मदुरै प्रोविन्स दांडिगुल, तमिलनाडु" को वर्ष 1997-1998 से 1999-2000 तक के कर निर्धारण वर्षों के लिए निम्नलिखित शर्तों के अधीन रहते हुए उक्त उप-खंड के प्रयोजनार्थ अधिसूचित करती है, अर्थात् :—

(i) कर-निर्धारिती उसकी आय का इस्तेमाल अथवा उसकी आय का इस्तेमाल करने के लिए उसका संचयन पूर्णतया तथा अनन्यतया उन उद्देश्यों के लिए करेगा, जिनके लिए इसकी स्थापना की गई है;

(ii) कर-निर्धारिती उपर्युक्त कर निर्धारण वर्षों से संगत पूर्ववर्ती वर्षों की किसी भी अवधि के दौरान धारा 11 की उपधारा (5) में विनिर्दिष्ट किसी एक अथवा एक से अधिक ढंग अथवा तरीकों से भिन्न तरीकों से उसकी निधि (जेवर-जवाहिरात, फर्नीचर आदि के रूप में प्राप्त तथा अनुरक्षित स्वैच्छिक अंशदान से भिन्न) का निवेश नहीं करेगा अथवा उसे जमा नहीं करवा सकेगा;

(iii) यह अधिसूचना किसी ऐसी आय के संबंध में लागू नहीं होगी, जो कि कारोबार से प्राप्त लाभ तथा अभिलाभ हो जब तक कि ऐसा कारोबार उक्त कर-निर्धारिती के उद्देश्यों की प्राप्ति के लिए प्रासंगिक नहीं हो तथा ऐसे कारोबार के संबंध में अलग से लेखा पुस्किाएं नहीं रखी जाती हों।

(iv) कर-निर्धारिती आयकर अधिनियम 1961 के प्रावधानों के अनुसार अपनी आय विवरणी नियमित रूप से आयकर प्राधिकारी के समक्ष फाइल करेगा।

(v) कि विघटन की स्थिति में अतिरिक्त राशियाँ और परिसम्पत्तियां समान उद्देश्यों वाले धर्मार्थ संगठन को दे दी जाएंगी।

[अधिसूचना सं० 162/2003/फा० सं०197/75/2003-आयकर नि०-1]

आई० पी० एस० बिन्द्रा, अवर सचिव

(Department of Revenue)

CENTRAL BOARD OF DIRECT TAXES

New Delhi, the 3rd July, 2003

(INCOME-TAX)

S. O. 1880.—In exercise of the powers conferred by the sub-clause (v) of clause (23C) of Section 10 of the Income-tax Act, 1961 (43 of 1961), the Central Government hereby notifies the "The Jesuit Madurai Province, Dandigul, Tamil Nadu" for the purpose of the said sub-clause for the assessment years 1997-1998 to 1999-2000 subject to the following conditions namely :—

(i) the assessee will apply its income, or accumulate for application, wholly and exclusively to the objects for which it is established;

(ii) the assessee will not invest or deposit its fund (other than voluntary contributions received and maintained in the form of jewellery, furniture etc.) for any period during the previous years relevant to the assessment years mentioned above otherwise than in any one or more of the forms or modes specified in Sub-section (5) of Section 11;

(iii) this notification will not apply in relation to any income, being profits and gains of business unless the business is incidental to the attainment of the objectives of the assessee and separate books of accounts are maintained in respect of such business;

(iv) the assessee will regularly file its return of income before the Income-tax authority in accordance with the provisions of the Income-tax Act, 1961;

(v) that in the event of dissolution, its surplus and the assets will be given to a charitable organisation with similar objectives.

[Notification No. 162/2003/F. No. 197/75//2003-ITA-I]

I. P. S. BINDRA, Under Secy.

वाणिज्य और उद्योग मंत्रालय

(वाणिज्य विभाग)

आदेश

नई दिल्ली, 25 जून, 2003

का० आ० 1881.—केन्द्रीय सरकार, निर्यात (क्वालिटी नियंत्रण और निरीक्षण) अधिनियम, 1963 की धारा 6 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, निर्यात निरीक्षण परिषद् से परामर्श करने के पश्चात्, भारत सरकार के वाणिज्य और उद्योग मंत्रालय के आदेश का० आ० 67(अ) तारीख 23 जनवरी, 2003 में, जो भारत के राजपत्र असाधारण, भाग II, खंड 3, उपखंड (ii) तारीख 23 जनवरी, 2003 में प्रकाशित किया गया था, निम्नलिखित संशोधन करती है, अर्थात् :—

उक्त आदेश में, खंड (3) के उप-खंड (ग) के पश्चात्, निम्नलिखित जोड़ा जाएगा :—

(घ) बासमती चावल के किसी परेषण के मामले में, जिसके लिए ऊपर उपखंड (क), (ख) और (ग) में उल्लिखित मानक लागू नहीं होते हैं या किसी अन्य आकस्मिकता में, स्थाई समिति द्वारा बनाए गए मानक लागू किए जाएंगे; जो निम्नलिखित सदस्यों से मिलकर बनेगी :—

1. संयुक्त सचिव, निर्यात संवर्धन (कृषि) वाणिज्य और उद्योग मंत्रालय, नई दिल्ली —अध्यक्ष
2. संयुक्त सचिव (फसलें), कृषि मंत्रालय, कृषि भवन, नई दिल्ली —सदस्य
3. निदेशक (निरीक्षण और क्वालिटी नियंत्रण) निर्यात निरीक्षण परिषद्, नई दिल्ली —सदस्य
4. संयुक्त आयुक्त (एस एण्ड आर) उपभोक्ता मामले मंत्रालय, खाद्य और सार्वजनिक वितरण विभाग, नई दिल्ली —सदस्य
5. भारतीय कृषि अनुसंधान संस्थान, नई दिल्ली से प्रतिनिधि —सदस्य
6. कृषि और प्रसंस्कृत खाद्य उत्पाद निर्यात विकास प्राधिकरण से प्रतिनिधि —सदस्य
7. अखिल भारतीय चावल निर्यातक संगम, नई दिल्ली से प्रतिनिधि —सदस्य

[फाइल सं० 6/2/2000-ईआई एण्ड ईपी]

राज सिंह, उप सचिव

पाद टिप्पण :—मूल आदेश का०आ० 67(अ) दिनांक 23 जनवरी, 2003 द्वारा प्रकाशित हुआ था।

MINISTRY OF COMMERCE AND INDUSTRY

(Department of Commerce)

ORDER

New Delhi, the 25th June, 2003

S. O. 1881.—In exercise of the powers conferred by Section 6 of the Export (Quality Control and Inspection) Act, 1963, the Central Government, after consulting the Export Inspection Council, hereby makes the following amendments to the Order of Government of India in the Ministry of Commerce and Industry S.O. 67(E) dated 23rd January, 2003 published in the Gazette of India Extraordinary, Part II, Section 3, Sub-section (ii) dated 23rd January, 2003, namely :—

In the said Order, after sub-clause (c) of clause (3) the following shall be added :—

(d) in the case of any consignment of Basmati Rice for which standards mentioned at sub-clauses (a), (b) and (c) above are not applicable or in any other contingency, the standards formulated by a Standing Committee consisting of the following members shall be made applicable :—

1. Joint Secretary, Export Promotion (Agriculture), Ministry of Commerce and Industry, New Delhi —Chairman
2. Joint Secretary (Crops), Ministry of Agriculture, Krishi Bhawan, New Delhi —Member
3. Director (Inspection and Quality Control), Export Inspection Council, New Delhi —Member
4. Joint Commissioner (S&R) Ministry of Consumer Affairs, Department of Food and Public Distribution, New Delhi —Member
5. Representative from Indian Agricultural Research Institute, New Delhi —Member
6. Representative from Agricultural and Processed Food Products Export Development Authority —Member
7. Representative from All India Rice Exporters' Association, New Delhi —Member

[F. No. 6/2/2000-EI&EP]

RAJ SINGH, Dy. Secy.

Footnote :—The Principal Order was published vide S.O. 67(E) dated 23rd January, 2003.

सूचना और प्रसारण मंत्रालय

नई दिल्ली, 1 जुलाई, 2003

का० आ.०1882.—केन्द्रीय सरकार, राजभाषा (संघ के शासकीय प्रयोजनों के लिए प्रयोग) नियम, 1976 के नियम 10 के उप-नियम (4) के अनुसरण में दूरदर्शन महानिदेशालय, आकाशवाणी महानिदेशालय (सूचना और प्रसारण मंत्रालय) के निम्नलिखित अधीनस्थ कार्यालयों, जिनके 80% से अधिक कर्मचारीवृन्द ने हिंदी का कार्यसाधक ज्ञान प्राप्त कर लिया है, को अधिसूचित करती है :—

1. दूरदर्शन अनुरक्षण केन्द्र, अल्मोड़ा
2. दूरदर्शन अल्प शक्ति प्रेषित्र, पिथौरागढ़
3. दूरदर्शन अल्प शक्ति प्रेषित्र, चम्पावत
4. दूरदर्शन अनुरक्षण केन्द्र, दावणगेरे
5. दूरदर्शन अनुरक्षण केन्द्र, औरंगाबाद
6. दूरदर्शन अल्प शक्ति प्रेषित्र, अहमदनगर
7. दूरदर्शन अल्प शक्ति प्रेषित्र, बीड़
8. दूरदर्शन अल्प शक्ति प्रेषित्र, जालना
9. दूरदर्शन अल्प शक्ति प्रेषित्र, मनमाड़
10. दूरदर्शन अल्प शक्ति प्रेषित्र, मालेगांव
11. दूरदर्शन अल्प शक्ति प्रेषित्र, सटाणा
12. दूरदर्शन अनुरक्षण केन्द्र, राजमंड्री
13. दूरदर्शन उच्च शक्ति प्रेषित्र, राजमंड्री
14. दूरदर्शन अल्प शक्ति प्रेषित्र, अमलापुरम
15. दूरदर्शन अल्प शक्ति प्रेषित्र, काकिनाड़ा
16. दूरदर्शन अल्प शक्ति प्रेषित्र, भीमवरम
17. दूरदर्शन केन्द्र, गुलबर्गा
18. दूरदर्शन अनुरक्षण केन्द्र, भुसावल
19. दूरदर्शन अल्प शक्ति प्रेषित्र, भुसावल
20. दूरदर्शन अल्प शक्ति प्रेषित्र, रावेर
21. दूरदर्शन अल्प शक्ति प्रेषित्र, खामगांव
22. दूरदर्शन अल्प शक्ति प्रेषित्र, बुलढांणा
23. दूरदर्शन अल्प शक्ति प्रेषित्र, चिखली
24. दूरदर्शन अल्प शक्ति प्रेषित्र, मेहकर
25. दूरदर्शन अनुरक्षण केन्द्र, मंडी
26. दूरदर्शन अल्प शक्ति प्रेषित्र, मंडी
27. दूरदर्शन अल्प शक्ति प्रेषित्र, सुन्दर नगर

28. दूरदर्शन अल्प शक्ति प्रेषित्र, कुल्लू
29. दूरदर्शन अल्प शक्ति प्रेषित्र, मनाली
30. दूरदर्शन केन्द्र, जालंधर
31. दूरदर्शन प्रशिक्षण संस्थान, लखनऊ
32. दूरदर्शन केन्द्र, गोरखपुर
33. आकाशवाणी केन्द्र, चित्रदुर्ग
34. आकाशवाणी केन्द्र, धर्मशाला
35. आकाशवाणी केन्द्र, चंद्रपुर
36. आकाशवाणी केन्द्र, कुर्नूल
37. आकाशवाणी केन्द्र, उत्तर काशी
38. आकाशवाणी केन्द्र, रायगढ़
39. आकाशवाणी केन्द्र, चाईबासा
40. आकाशवाणी केन्द्र, नासिक
41. आकाशवाणी केन्द्र, गोपेश्वर
42. आकाशवाणी केन्द्र, आलप्पुषा
43. आकाशवाणी केन्द्र, अलवर
44. आकाशवाणी केन्द्र, बेतूल
45. आकाशवाणी केन्द्र, बालाघाट
46. आकाशवाणी केन्द्र, छिन्दवाड़ा
47. आकाशवाणी केन्द्र, डाल्टनगंज
48. सी. सी. डब्ल्यू., जयपुर
49. आकाशवाणी केन्द्र, कसौली
50. आकाशवाणी केन्द्र, सिंहभूमि (झारखंड)
51. आकाशवाणी केन्द्र, हमीरपुर
52. विज्ञापन प्रसारण सेवा, राँची

[सं० ई-11017/4/2002-हिन्दी]

समय सिंह कटारिया, निदेशक (राजभाषा)

MINISTRY OF INFORMATION AND BROADCASTING

New Delhi, the 1st July, 2003

S.O. 1882.—In pursuance of Sub-rule (4) of Rule 10 of the Official Language (Use for Official Purposes of the Union) Rule, 1976, the Central Government hereby notifies the following subordinate offices of DG : Doordarshan and DG : Akashvani (Ministry of Information and Broadcasting), more than 80% of the staff whereof have acquired the working knowledge of Hindi :—

1. Doordarshan Maintenance Centre, Almora.
2. Doordarshan Low Power Transmitter, Pithoragarh.
3. Doordarshan Low Power Transmitter, Champavat.
4. Doordarshan Maintenance Centre, Dawangere.
5. Doordarshan Maintenance Centre, Aurangabad.
6. Doordarshan Low Power Transmitter, Ahmednagar.
7. Doordarshan Low Power Transmitter, Bid.
8. Doordarshan Low Power Transmitter, Jalna.
9. Doordarshan Low Power Transmitter, Manmad.
10. Doordarshan Low Power Transmitter, Malegoan.
11. Doordarshan Low Power Transmitter, Satana.
12. Doordarshan Maintenance Centre, Rajamundry
13. Doordarshan High Power Transmitter, Rajamundry.
14. Doordarshan Low Power Transmitter, Amlapuram.
15. Doordarshan Low Power Transmitter, Kakinada.
16. Doordarshan Low Power Transmitter, Bheemvaram.
17. Doordarshan Kendra, Gulberga.
18. Doordarshan Maintenance Centre, Bhusawal.
19. Doordarshan Low Power Transmitter, Bhusawal.
20. Doordarshan Low Power Transmitter, Raver.
21. Doordarshan Low Power Transmitter, Khamgaon.
22. Doordarshan Low Power Transmitter, Buldana.
23. Doordarshan High Power Transmitter, Chikhli.
24. Doordarshan Low Power Transmitter, Mehkar.
25. Doordarshan Maintenance Centre, Mandi.
26. Doordarshan Low Power Transmitter, Mandi.
27. Doordarshan Low Power Transmitter, Sunder Nagar.
28. Doordarshan Low Power Transmitter, Kullu.
29. Doordarshan Low Power Transmitter, Manali.
30. Doordarshan Kendra, Jalandhar.
31. Doordarshan Training Institute, Lucknow.
32. Doordarshan Kendra, Gorakhpur.
33. Akashvani Kendra, Chitradurg.
34. Akashvani Kendra, Dharamshala.
35. Akashvani Kendra, Chandrapur.
36. Akashvani Kendra, Kurnool.

37. Akashvani Kendra, Uttarkashi.
38. Akashvani Kendra, Raigarh.
39. Akashvani Kendra, Chaiwala.
40. Akashvani Kendra, Nasik.
41. Akashvani Kendra, Gopeshwar.
42. Akashvani Kendra, Alappusha.
43. Akashvani Kendra, Alwar.
44. Akashvani Kendra, Betul.
45. Akashvani Kendra, Balaghat.
46. Akashvani Kendra, Chhindwara.
47. Akashvani Kendra, Daltonganj.
48. C.C.W. Jaipur.
49. Akashvani Kendra, Kasauli.
50. Akashvani Kendra, Singhbhumi.
51. Akashvani Kendra, Hamirpur.
52. Vigyapan Prsasran Seva, Ranchi.

[File No. E-11017/4/2002-Hindi]

S. S. KATARIA, Director (O.L.)

कृषि एवं ग्रामीण उद्योग मंत्रालय

नई दिल्ली, 30 मई, 2003

का. आ. 1883.—कयर उद्योग अधिनियम, 1953 (1953 का 45) की धारा 4 की उपधारा (3) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्र सरकार, एतद्द्वारा श्री सी. चंद्रन, भा. प्र. से. (केरल-1977) को श्री क्रिस्टी लियॉन फर्नांडीज, भा. प्र. से. (गुजरात : 73) के स्थान पर कयर बोर्ड कोचीन के अध्यक्ष के रूप में 19 मई, 2003 के पूर्वाह्न से अगले आदेशों तक नियुक्त करती है।

[सं. ए-30011/8/2003-स्था.]

रिछ पाल, अवर सचिव

MINISTRY OF AGRO AND RURAL INDUSTRIES

New Delhi, the 30th May, 2003

S.O.1883.—In exercise of the powers conferred by Sub-section (3) of Section 4 of the Coir Industry Act, 1953 (45 of 1953), the Central Government hereby appoints Shri C. Chandran, IAS (Kerala :.1977) as Chairman, Coir Board, Cochin with effect from the forenoon of the 19th May, 2003, until further orders, vice Shri Christy Leon Fernandez, IAS (GJ : 73).

[No. A-30011/8/2003-Estt.]

RICHH PAL, Under Secy.

कृषि मंत्रालय

(कृषि अनुसंधान और शिक्षा विभाग)

नई दिल्ली, 30 जून, 2003

का. आ. 1884.—केन्द्रीय सरकार, सरकारी स्थान (अप्राधिकृत अधिभोगियों की बेदखली) अधिनियम, 1971 (1971 का 40) की धारा 3 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, नीचे की सारणी के स्तंभ (2) में उल्लिखित अधिकारियों को, जो सरकार के राजपत्रित अधिकारी के रैंक के समतुल्य हैं, उक्त अधिनियम के प्रयोजन के लिए संपदा अधिकारी नियुक्त करती है, जो उक्त सारणी के स्तंभ (3) की तत्स्थानी प्रविष्टि में विनिर्दिष्ट सरकारी स्थानों के संबंध में अपनी अधिकारिता की स्थानीय सीमाओं के भीतर उक्त अधिनियम द्वारा या उसके अधीन संपदा अधिकारियों को प्रदत्त शक्तियों का प्रयोग और उस पर अधिरोपित कर्तव्यों का पालन करेंगे।

सारणी

क्रम. सं.	अधिकारी का पदनाम	सरकारी स्थानों के प्रवर्ग और अधिकारिता की स्थानीय सीमाएं
1	2	3
1.	श्री के. रमन, ज्येष्ठ प्रशासनिक अधिकारी, भारतीय बागवानी अनुसंधान संस्थान, बंगलौर	तमिलनाडु, केरल, आंध्र प्रदेश, पांडिचेरी, दादरा और नागर हवेली, कर्नाटक और लक्षद्वीप में विभिन्न स्थानों पर अवस्थित भारतीय कृषि अनुसंधान परिषद् और उसके संस्थानों के स्वामित्वाधीन या उसके द्वारा या उनकी ओर से पट्टे पर ली गई सभी स्थावर संपत्तियां या परिसर।
2.	श्री एस. साहा, ज्येष्ठ प्रशासनिक अधिकारी, राष्ट्रीय मृदा सर्वेक्षण और भूमि उपयोग योजना ब्यूरो, नागपुर	मध्य प्रदेश, महाराष्ट्र, गुजरात, गोवा, छत्तीसगढ़ में विभिन्न स्थानों पर अवस्थित भारतीय कृषि अनुसंधान परिषद् और उसके संस्थानों के स्वामित्वाधीन या उसके द्वारा या उनकी ओर से पट्टे पर ली गई सभी स्थावर संपत्तियां या परिसर।
3.	श्री एम. के. जैन, ज्येष्ठ प्रशासनिक अधिकारी, भारतीय कृषि अनुसंधान संस्थान, नई दिल्ली	उत्तर प्रदेश, दिल्ली, हरियाणा, पंजाब, जम्मू कश्मीर, हिमाचल प्रदेश, उत्तरांचल, राजस्थान तथा चंडीगढ़ में विभिन्न स्थानों पर अवस्थित भारतीय कृषि अनुसंधान परिषद् और उसके संस्थानों के स्वामित्वाधीन या उसके द्वारा या उनकी ओर से पट्टे पर ली गई सभी स्थावर संपत्तियां या परिसर।

1	2	3
4.	श्री विश्व रंजन, ज्येष्ठ प्रशासनिक अधिकारी, केन्द्रीय चावल अनुसंधान संस्थान, कटक	पूर्वोत्तर क्षेत्र में सभी राज्यों, पश्चिमी बंगाल, बिहार, उड़ीसा, झारखंड, अंडमान और निकोबार द्वीप में विभिन्न स्थानों पर अवस्थित भारतीय कृषि अनुसंधान परिषद् और उसके संस्थानों के स्वामित्वाधीन या उसके द्वारा या उनकी ओर से पट्टे पर ली गई सभी स्थावर संपत्तियां या परिसर।

[फा. सं. 17-11/95-साधारण प्रशा./ई और एम]

मोहन चरण चाँद, अवर सचिव

MINISTRY OF AGRICULTURE

(Department of Agriculture Research and Education)

New Delhi, the 30th June, 2003

S.O. 1884.—In exercise of the powers conferred by Section 3 of the Public Premises (Eviction of Unauthorised Occupants) Act, 1971 (40 of 1971) the Central Government hereby appoints the officers mentioned in column (2) of the Table below, being the officers equivalent to the rank of a gazetted officer of the Government, to be estate officers for the purposes of the said Act, who shall exercise the powers conferred, and perform the duties imposed, on the estate officers by or under the said Act, within the local limits of their respective jurisdictions, in respect of the public premises specified in the corresponding entry in column (3) of the said Table.

TABLE

Sl. No.	Designation of the Officer	Categories of public premises and local limits of jurisdiction
1	2	3
1.	Shri K. Raman, Senior Administrative Officer, Indian Institute of Horticulture. Research, Bangalore	All immovable properties or premises belonging to, or taken on lease by or on behalf of Indian Council of Agricultural Research, and its Institutes situated at various places at Tamil Nadu, Kerala, Andhra Pradesh, Pondicherry, Dadra and Nagar Havelli, Karnataka and Lakshadweep.
2.	Shri S. Saha, Senior Administrative Officer, National Bureau of Soils Survey & Land Use Planning, Nagpur	All immovable properties or premises belonging to, or taken on lease by or on behalf of Indian Council of Agricultural Research, and its Institutes situated at various places at Madhya Pradesh, Maharashtra, Gujarat, Goa, Chattisgarh.
3.	Shri M. K. Jain, Senior Administrative Officer, Indian Agricultural Research Institute, New Delhi	All immovable properties or premises belonging to, or taken on lease by or on behalf of Indian Council of Agricultural Research, and its Institutes situated at various places at Uttar Pradesh, Delhi, Haryana, Punjab, Jammu & Kashmir, Himachal Pradesh, Uttaranchal, Rajasthan, Chandigarh.
4.	Shri Vishwa Ranjan, Senior Administrative Officer, Central Rice Research Institute, Cuttack	All immovable properties or premises belonging to, or taken on lease by or on behalf of Indian Council of Agricultural Research, and its Institutes situated at various places at all states in North East Region, West Bengal, Bihar, Orissa, Jharkhand, Andaman & Nicobar Islands.

[Fl. No. 17-11/95-Genl. Admn./E & M]

M. C. CHAND, Under Secy.

उपभोक्ता मामले, खाद्य और सार्वजनिक वितरण मंत्रालय

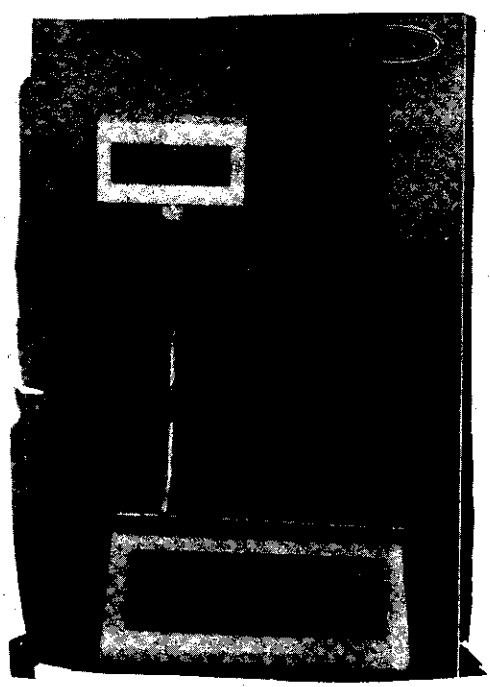
(उपभोक्ता मामले विभाग)

नई दिल्ली, 23 जून, 2003

का.आ. 1885.—केंद्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः अब केंन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उपधारा (7) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स वेस्पा इलैक्ट्रॉनिक्स, 21ए, सेल्वाराजपुरम, चिन्ना मणिपुदूर कोयम्बटूर-641103 द्वारा विनिर्मित मध्यम यथार्थता (यथार्थता वर्ग 3) वाले "वाई टी टी" श्रृंखला के अस्वचालित तोलन उपकरण (टेबल टाप प्रकार) के मॉडल का जिसके ब्रांड का नाम "वी ई-टी टी" है (जिसे इसमें इसके पश्चात् मॉडल कहा गया है) और जिसे अनुमोदन चिन्ह आई एन डी/09/2002/53 समनुदेशित किया गया है, अनुमोदन प्रमाणपत्र प्रकाशित करती है।

यह मॉडल विकृत गेज टाइप भार सेल मध्यम यथार्थता (यथार्थता वर्ग 3) का अंकक सूचन सहित टेबल टाप प्रकार का तोलन उपकरण है। इसकी अधिकतम क्षमता 6 कि. ग्राम और न्यूनतम क्षमता 20 ग्राम है। सत्यापन मापमान (ई) का मान 1 ग्राम है। प्रदर्श इकाई प्रकाश उत्सर्जक डायोड (एल.ई.डी.) प्रकार की यूनिट है। उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।



और केंद्रीय सरकार उक्त अधिनियम की धारा 36 की उपधारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि मॉडल के इस अनुमोदन प्रमाणपत्र के अंतर्गत, उसी श्रृंखला के उसी मेक, यथार्थता और कार्यपालन वाले ऐसे तोलन उपकरण भी होंगे जिनकी अधिकतम क्षमता 50 कि.ग्रा.तक है और जिनका विनिर्माण उसी विनिर्माता द्वारा उसी सिद्धान्त, डिजाइन और उसी सामग्री से किया जाता है जिससे अनुमोदित मॉडल का विनिर्माण किया गया है, और जिनके सत्यापन मापमान अन्तराल (एन)की अधिकतम संख्या100 मिलीग्राम से 2 ग्राम के "ई" मान के लिए 100 से 10000 की रेंज में है तथा 5 ग्राम या इससे अधिक के "ई" मान के लिए 500 से 10000 के रेंज में है तथा जिनका "ई" मान1 × 10^{k}, 2 ×10^{k} या, 5× 10^{k} है जिसमें के धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य है।

[फा.सं. डब्ल्यू. एम. 21(40)/2002]

पी. ए. कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान

MINISTRY OF CONSUMER AFFAIRS, FOOD AND PUBLIC DISTRIBUTION

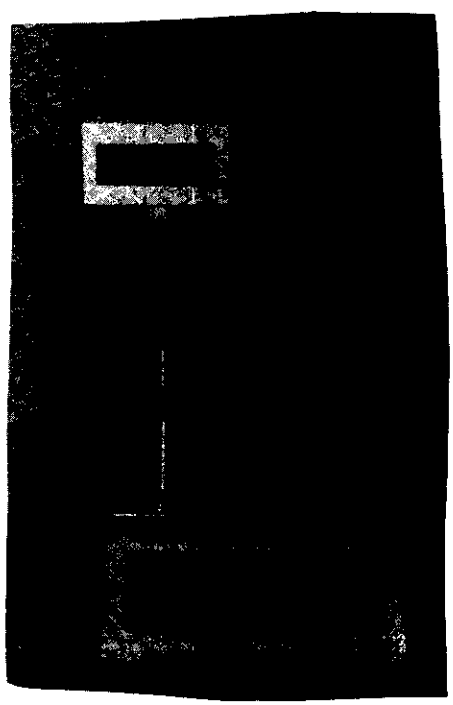
(Department of Consumer Affairs)

New Delhi, the 23rd June, 2003

S.O. 1885.— Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the Models described in the said report (the figure given below) is in conformity with the provisions of the standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights an Measures (Approval of Models) Rules, 1987 and the said Model is likely to maintain its accuracy over period of sustained use and to render accurate service under varied conditions.

Now, therefore, in exercise of the powers conferred by sub-sections (7) of section 36 of the said Act, the Central Government hereby publishes the certificated of approval of the Model of non-automatic weighing instrument (Table top type) herein refferd to as the Model, "VE-TT" series belonging to Medium accuracy (Accuracy class III) and with brand name " VESPA", manufactured by M/s Vespa Electronics, 21A, Selvaraja Puram, Chintamanipudur, Coimbatore-641 103 and which is assigned the approval mark IND/09/02/53;

The Model is a strain gauge type load cell based non-automatic weighing instrument (table top type) with digital indication of maximum capacity of 6Kg and minimum capacity of 20g and belonging to medium accuracy class (accuracy class-III). The value of verification scale interval (e) is 1g. The display unit is of light Emitting Diode type. The instrument operates on 230 volts and 50-hertz alternative current power supply.



And further, in exercise of the powers conferred by sub-section (12) of section, 36 of the said Act, the Central Government hereby declares that this certificate of approval of the model shall also cover the weighing instrument of similar make accuracy and performance of same series with maximum capacity upto 50Kg with verification scale interval (n) in the range of 100 to 10,000 for 'e' value of 100mg to 2g with number of verification scale interval (n) in the range of 500 to 10,000 and with 'e' value of 5g or more with 'e' value of 1×10^k 2×10^k or 5×10^k k being positive or negative whole number or equal to zero, manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the approved model have been manufactured.

[File No. WM-21(40)/2002]

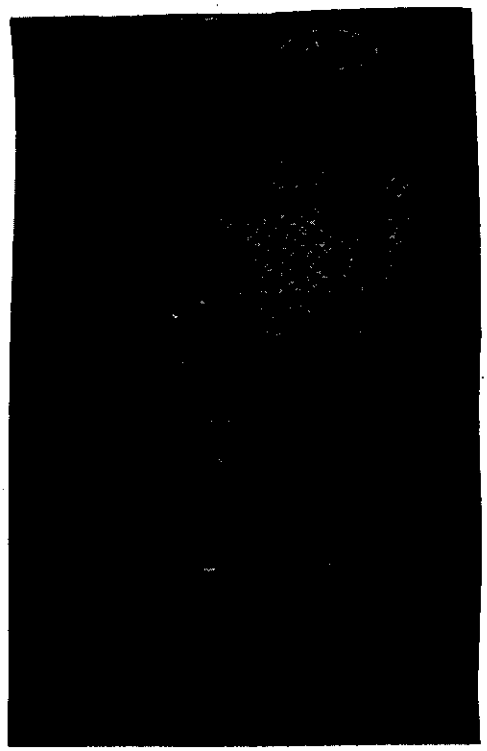
P. A. KRISHNAMOORTHY, Director of Legal Metrology

नई दिल्ली, 23 जून, 2003

का.आ. 1886.—केंद्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट तथा माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः अब केंद्रीय सरकार उक्त अधिनियम की धारा 36 की उपधारा (7) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स वेस्पा इलैक्ट्रॉनिक्स, 21ए, सेल्वाराजपुरम, चिन्ना मणिपुदूर कोयम्बटूर-641103 द्वारा विनिर्मित मध्यम यथार्थता (यथार्थता वर्ग 3)वाले "वी ई पी टी" श्रृंखला के अस्वचालित दोहरे रेंज के तोलन उपकरण (प्लेट फार्म प्रकार) के माडल का जिसके ब्रांड का नाम "वेस्पा" है (जिसे इसमें इसके पश्चात् मॉडल कहा गया है और जिसे अनुमोदन चिन्ह आई एन डी/09/2002/54 समनुदेशित किया गया है, अनुमोदन प्रमाणपत्र प्रकाशित करती है।

यह मॉडल अस्वाचालित दोहरे रेंज आधारित विकृत गेज टाइप भार सेल का अंकक सूचन सहित प्लेट फार्म प्रकार का तोलन उपकरण है। इसकी अधिकतम क्षमता 120 कि.ग्रा. और न्यूनतम क्षमता 200 ग्राम है और मध्यम यथार्थता वर्ग (यथार्थता वर्ग 3) का है। सत्यापन मापमान (ई) का मान 60 कि.ग्रा. तक 10 ग्रा. और 60 कि.ग्रा. से ऊपर 20 ग्रा. है। प्रदर्श यूनिट प्रकाश उत्सर्जक डायोड (एल.ई.डी.) प्रकार की है। उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।



और केंद्रीय सरकार उक्त अधिनियम की धारा 36 की उपधारा (12) द्वारा प्रदत्त शक्तियों को प्रयोग करते हुए यह घोषणा करती है कि मॉडल के इस अनुमोदन प्रमाणपत्र के अंतर्गत, उसी श्रृंखला के उसी मेक, यथार्थता और कार्यपालन वाले ऐसे तोलन उपकरण भी होंगे जिनकी अधिकतम क्षमता 300 कि.ग्रा.तक है और जिनका विनिर्माण उसी विनिर्माता द्वारा उसी सिद्धान्त, डिजाइन और उसी सामग्री से किया जाता है जिससे अनुमोदित मॉडल का विनिर्माण किया गया है, और जिनके सत्यापन मापमान अन्तराल (एन) की अधिकतम संख्या 5 ग्राम या इससे अधिक के "ई" मान के लिए 500 से10000 के रेंज में है तथा जिनका "ई" मान 1×10^{क}, 2×10^{क} या 5×10^{क} है जिसमें के धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य है।

[फा.सं. डब्ल्यू. एम. 21(40)/2002]

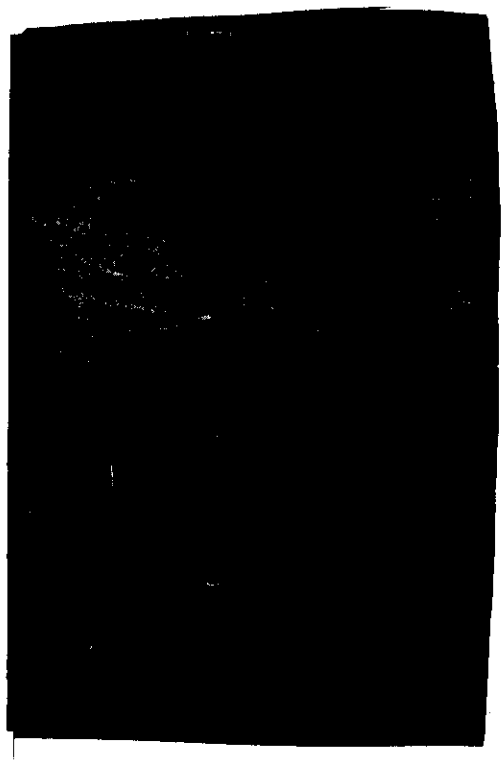
पी. ए. कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the 23rd June, 2003

S.O. 1886.— Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the Model described in the said report (See the figure given below) in conformity with the provisions of the standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said Model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions.

Now, therefore, in exercise of the powers conferred by Sub-section (7) of Section 36 of the said Act, the Central Government hereby publishes the certificate of approval of Model of non-automatic dual range weighing instrument (Platform type) herein referred to as the Model, "VE-PT" series belonging to medium accuracy (accuracy class III) and with brand name " VESPA", manufactured by M/s Vespa Electronics, 21A, Selvaraja Puram, Chintamanipudur, Coimbatore-641 103 and which is assigned the approval mark IND/09/02/54;

The Model is a strain gauge type load cell based non-automatic dual range weighing instrument (Platform type) with digital indication of maximum capacity of 120kg and minimum capacity of 200g and belonging to medium accuracy class (accuracy class-III). The value of verification scale interval (e) is 10g up to 60kg and 20g above 60kg and up to 120kg. The display unit is of light Emitting Diode type. The instrument operates on 230 volts and 50-hertz alternative current power supply.



And further, in exercise of the powers conferred by sub-section (12) of section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the Model shall also cover the weighing instruments of similar make, accuracy and performance of same series with maximum capacity upto 300Kg with verification scale interval (n) in the range of 500 to 10,000 and with 'e' value of 5g or more with 'e' value of 1×10^k, 2×10^k or 5×10^k, k being the positive or negative whole number or equal to zero, manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the approved model has been manufactured.

[File No. WM-21(40)/2002]

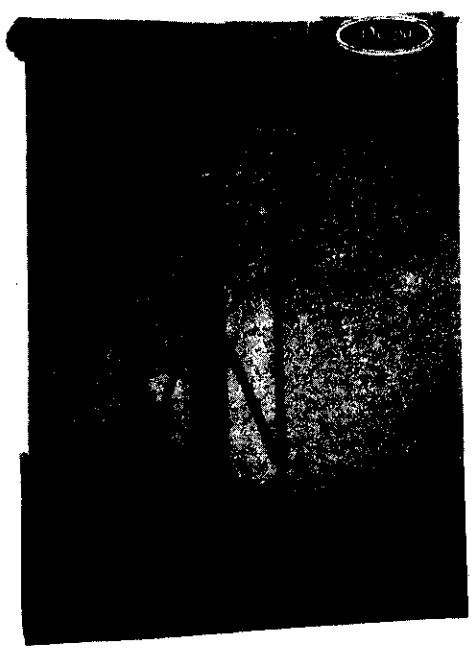
P. A. KRISHNAMOORTHY, Director of Legal Metrology

नई दिल्ली, 23 जून, 2003

का.आ. 1887.—केंद्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट तथा माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अत:, अब, केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उपधारा (7) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स वेस्पा इलैक्ट्रॉनिक्स, 21 ए, सेल्वाराजपुरम, चिन्ना मणिपुदूर कोयम्बटूर-641103 द्वारा विनिर्मित मध्यम यथार्थता (यथार्थता वर्ग 3) वाले "वी ई सी. के." श्रृंखला के अस्वचालित तोलन उपकरण (यांत्रिकी प्लेट फार्म टाइप के लिए सपरिवर्तन किट) के मॉडल का जिसके ब्रांड का नाम "वेस्पा" है (जिसे इसमें इसके पश्चात् मॉडल कहा गया है) और जिसे अनुमोदन चिन्ह आई एन डी/09/2002/55 समनुदेशित किया गया है, अनुमोदन प्रमाणपत्र प्रकाशित करती है;

यह मॉडल (आकृति देखें) अस्वचालित दोहरे रेंज आधारित विकृत गेज टाइप भार सेल यांत्रिकी प्लेट फार्म टाइप के लिए सपरिवर्तन किट प्रकार का तोलन उपकरण है। इसकी अधिकतम क्षमता 300 कि.ग्रा. और न्यूनतम क्षमता 2 कि.ग्रा. है और मध्यम यथार्थता वर्ग (यथार्थता वर्ग 3) का है। सत्यापन मापमान (ई) का मान 100 ग्रा. है। प्रदर्श यूनिट प्रकाश उत्सर्जक डायोड (एल.ई.डी.) प्रकार की है। उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।



और, केंद्रीय सरकार उक्त अधिनियम की धारा 36 की उपधारा (12) द्वारा प्रदत्त शक्तियों को प्रयोग करते हुए यह घोषणा करती है कि मॉडल के इस अनुमोदन प्रमाणपत्र के अंतर्गत, उसी श्रृंखला के उसी मेक, यथार्थता और कार्यपालन वाले ऐसे तोलन उपकरण भी होंगे जिनकी अधिकतम क्षमता 500 कि.ग्रा.तक है और जिनका विनिर्माण उसी विनिर्माता द्वारा उसी सिद्धान्त, डिजाइन और उसी सामग्री से किया जाता है जिससे अनुमोदित मॉडल का विनिर्माण किया गया है, और जिनके सत्यापन मापमान अन्तराल (एन) की अधिकतम संख्या 5 ग्राम या इससे अधिक के "ई" मान के लिए 500 से 10000 के रेंज में है तथा जिनका "ई" मान 1×10^{k}, 2×10^{k} या 5×10^{k} है जिसमें के धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य है।

[फा.सं. डब्ल्यू. एम. 21(40)/2002]

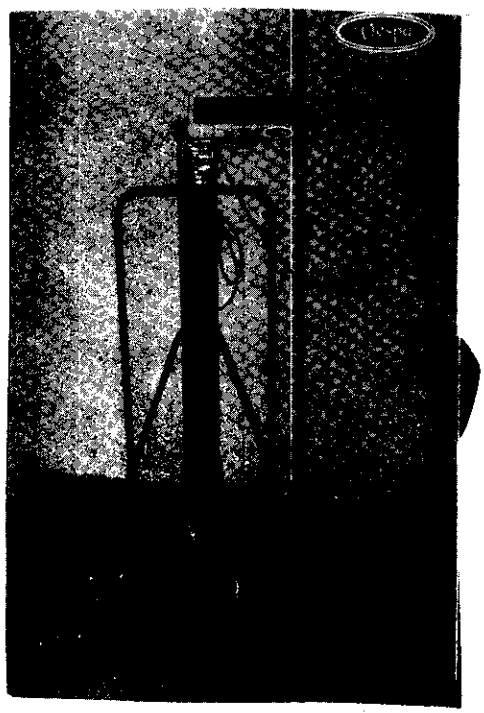
पी. ए. कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the 23rd June, 2003

S.O. 1887.— Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the Models described in the said report (See the figure given below) is in conformity with the provisions of the standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said Model is likely to maintain its accuracy over period of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by Sub-section (7) of section 36 of the said Act, the Central Government hereby publishes the certificate of approval of Model of non-automatic weighing instrument (Conversion kit for mechanical Platform type), herein referred to as the Model, "VE-CK" series belonging to medium accuracy (accuracy class III) and with brand name " VESPA", manufactured by M/s Vespa Electronics, 21A, Selvaraja Puram, Chintamanipudur, Coimbatore-641 103 and which is assigned the approval mark IND/09/02/55;

The Model is a strain gauge type load cell based non-automatic dual range weighing instrument (Conversion kit for mechanical Platform type) with digital indication of maximum capacity 300kg, minimum capacity 2. kg. and belonging to medium accuracy class (accuracy class-III). The value of verification scale interval (e) is 100g. The display unit is of light Emitting diode type. The instrument operates on 230 volts and 50-hertz alternative current power supply.



And further, in exercise of the powers conferred by Sub-section (12) of section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the Model shall also cover the weighing instruments of similar make, accuracy and performance of same series with maximum capacity upto 500Kg with verification scale interval (n) in the range of 500 to 10,000 and with 'e' value of 5g or more with 'e' value of 1×10^k, 2×10^k or 5×10^k, k being positive or negative whole number or equal to zero, manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the approved model has been manufactured.

[File No. WM-21(40)/2002]

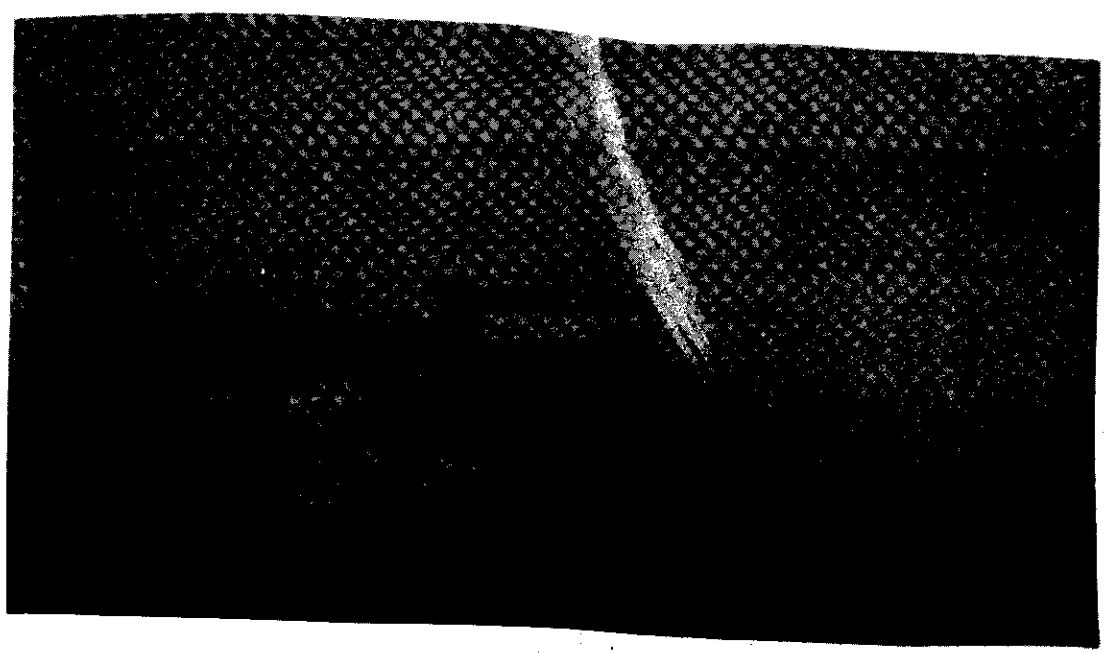
P. A. KRISHNAMOORTHY, Director of Legal Metrology

नई दिल्ली, 4 जुलाई, 2003

का.आ. 1888.—केंद्रीय सरकार का, विहित प्राधिकारी द्वारा प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित माडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) और बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधियों में भी उक्त माडल अपनी यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब, केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उपधारा (7) और (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स लक्ष्मी मैटल इण्डस्ट्रीज, 15 मनुपांचाल एस्टेट, इन्द्रानगर के पास, अमरायवाडी, अहमदाबाद-380026 द्वारा विनिर्मित मध्यम यथार्थता वर्ग (यथार्थता वर्ग III) वाले ''एल.एम.आई. ''श्रृंखला के स्वत: सूचक अस्वचालित, अंकक सूचन सहित तोलन उपकरण (कमवर्जन किट फार वे ब्रिज प्रकार) के मॉडल का जिसके ब्रांड का नाम ''लॉर्ड्स'' है (जिसे इसमें इसके पश्चात् मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी /09/2000/254 समनुदेशित किया है, अनुमोदन प्रमाणपत्र प्रकाशित करती है;

यह मॉडल (आकृति देखें) का तोलन उपकरण है जिसकी अधिकतम क्षमता 30000 कि.ग्रा. और न्यूनतम क्षमता 100 कि.ग्रा. है। सत्यापन मापमान (ई) का मान 5 कि. ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यवकलानात्क धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है;



और, केंद्रीय सरकार उक्त अधिनियम की धारा 36 की उपधारा (12) द्वारा प्रदत्त शक्तियों को प्रयोग करते हुए यह घोषणा करती है कि मॉडल के इस अनुमोदन प्रमाणपत्र के अंतर्गत, उसी श्रृंखला के उसी मेक, उसी यथार्थता और कार्यपालन वाले ऐसे तोलन उपकरण भी होंगे जिनकी अधिकतम क्षमता 5 टन से अधिक है और जिनका विनिर्माण उसी विनिर्माता द्वारा उसी सिद्धान्त, डिजाइन और उसी समाग्री से किया जाता है जिससे अनुमोदित मॉडल का विनिर्माण किया गया है, और 5 किलोग्राम और इससे अधिक के ''ई'' मान और 1, 2 या 5 श्रृंखला का मान जिनके सत्यापन अन्तराल (एन) की अधिकतम संख्या 500 से 10000 है तथा जिनका ''ई'' मान 1×10^{k}, 2×10^{k} या 5×10^{k} है जिसमें के धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य है।

[फा.सं. डब्ल्यू. एम. 21(45)/98]

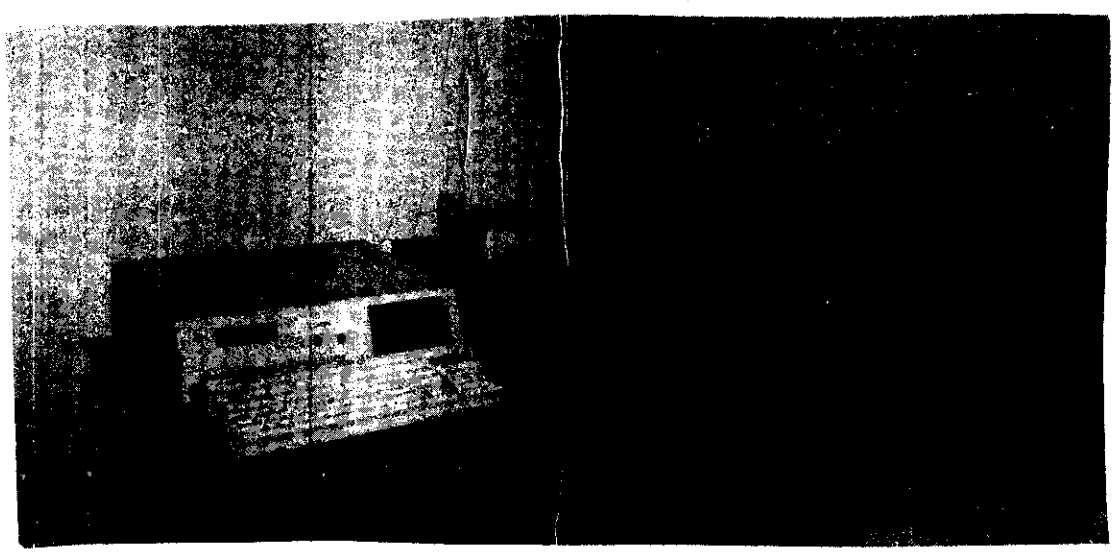
पी. ए. कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the 4th July, 2003

S.O. 1888.— Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the Model described in the said report (See the figure given below) is in conformity with the provisions of the standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said Model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions.

Now, therefore, in exercise of the powers conferred by Sub-section (7) of section 36 of the said Act, the Central Government hereby publishes the certificate of approval of the Model of the self-indicating , non-automatic, (Conversion kit for weigh bridge type) weighing instrument with digital indication of "LMI" series of Medium accuracy (Accuracy class III) and with brand name "Loards" (hereinafter referred to as the model), manufactured by M/s. Laxmi Metal Industries, 15 Manupanchal Estate, Near Indira Nagar, Amraiwadi, Ahmedabad-380 026 and which is assigned the approval mark IND/09/2000/254;

The said Model (figure given) is a weighing instrument with a maximum capacity of 30,000kg. and minimum capacity of 100kg. The verification scale interval (e) is 5kg. It has a tare device with a 100 per cent substractive retained tare effect. The Light Emitting Diode display indicates the weighing result. The instrument operates on 230 Volts and 50-Hertz alternate current power supply;



Further, in exercise of the powers conferred by sub-section (12) of section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the Model shall also cover the weighing instrument similar accuracy and performance of same series with same accuracy class and of same series having maximum capacity more than 5 tonne and with number of verification scale interval (n) in the range of 500 to 10,000 for 'e' value of 5kg . or more and value of 1, 2 and 5 series and with 'e' value 1×10^k, 2×10^k or 5×10^k, k being the positive or negative whole number or equal to zero, manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the approved model has been manufactured.

[File No. WM-21(45)/98)]

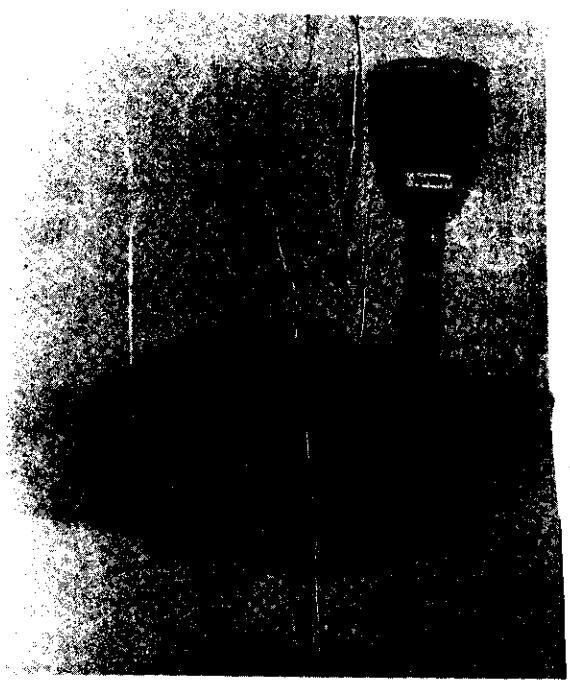
P. A. KRISHNAMOORTHY, Director of Legal Metrology

नई दिल्ली, 4 जुलाई, 2003

का.आ. 1889.—केंद्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित माडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल अपनी यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः अब केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उपधारा (7) और उपधारा (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स एवरी इंडिया लिमिटेड, प्लाट सं. 50-54, सेक्टर 25, बल्लभगढ़-121004 (हरियाणा) द्वारा विनिर्मित उच्च यथार्थता वर्ग (यथार्थता वर्ग 2) वाले "डू-612 पी" श्रृंखला के अस्वचालित, अंकक सूचन सहित तोलन उपकरण (टेबल टाप प्रकार कीमत संगणना स्केल) के माडल का जिसके ब्रांड का नाम "एवरी" है (जिसे इसमें इसके पश्चात् मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी /09/2002/50 समनुदेशित किया है, अनुमोदन प्रमाणपत्र प्रकाशित करती है;

उक्त माडल अंकक सूचन सहित भार सेल सिद्धान्त पर कीमत संगणना स्केल कार्यकरण टेबल टाप प्रकार का अस्वचालित का तोलन उपकरण पर आधारित तनाव गेज टाइप भार सेल है। इसकी अधिकतम क्षमता 12 कि.ग्रा. और न्यूनतम क्षमता 100 ग्रा. है और इसकी यथार्थता वर्ग (यथार्थता वर्ग-2) सत्यापन मापमान (ई) का मान 2 ग्रा. है। प्रदर्श इकाई प्रकाश उत्सर्जक डायोड (एल ई डी) प्रकार का है। उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।



और केंद्रीय सरकार उक्त अधिनियम की धारा 36 की उपधारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि मॉडल के इस अनुमोदन प्रमाणपत्र के अंतर्गत, उसी श्रृंखला के उसी मेक, यथार्थता और कार्यपालन वाले ऐसे तोलन उपकरण भी होंगे जिनकी अधिकतम क्षमता 50 कि.ग्रा. तक है और जिनका विनिर्माण उसी विनिर्माता द्वारा उसी सिद्धान्त, डिजाइन और उसी सामग्री से किया जाता है जिससे अनुमोदित मॉडल का विनिर्माण किया गया है, और जिनके सत्यापन मापमान अन्तराल (एन) की संख्या 1 मि.ग्रा. से 50 मि. ग्रा. के "ई" मान के लिए 100 से 50,000 की रेंज में है और 100 मि. ग्रा. या इससे अधिक के "ई" मान के लिए 5000 से 50000 की रेंज में है तथा जिनका "ई" मान 1 × 10के, 2 ×10 के या 5× 10के है जिसमें के धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य है।

[फा.सं. डब्ल्यू. एम. 21(327)/2001]

पी. ए. कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the 4th July, 2003

S.O. 1889.— Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the Model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said Model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by Sub-sections (7) and (8) of section 36 of the said Act, the Central Government hereby publishes the certificate of approval of the non-automatic, weighing instrument (table top type) price computing scale with digital indication hereinafter referred to as the model, of "A-612P" series belonging to High accuracy (Accuracy class II) and with brand name "AVERY" manufactured by M/s. Avery India Limited, Plot No. 50-54, Sector 25, Ballabhgarh-121004 (Harayana) and which is assigned the approval mark IND/09/2002/50;

The Model is a strain gauge type load cell based non-automatic weighing instrument (table top type) price computing scale working on the principal of load cell with digital indication of maximum capacity 12kg, minimum capacity 100g and belonging to high accuracy class (accuracy class-II). The value of verification scale interval (e) is 2g. The display unit is of light Emitting Diode (LED) type. The instruments operates on 230 Volts and 50-Hertz alternative current power supply.

Further, in exercise of the powers conferred by sub-section (12) of section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the model shall also cover the weighing instruments of similar make, accuracy and performance of same series with maximum capacity upto 50kg. with verification scale interval (n) in the range of 100 to 50,000 for 'e' value of 1mg to 50mg. and with number of verification scale interval (n) in the range of 5000 to 50,000 for 'e' value of 100mg or more and with 'e' value of 1×10^k, 2×10^k or 5×10^k, k being a positive or negative whole number or equal to zero, manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the approved model have been manufactured.

[F. No. WM-21(327)/2001]

P. A. KRISHNAMOORTHY, Director of Legal Metrology

नई दिल्ली, 4 जुलाई, 2003

का.आ. 1890.—केंद्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट तथा माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः अब केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उपधारा (7) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स अनन्तरा हीराचन्द दोशी, सावरकुण्डला-364515 (गुजरात) द्वारा विनिर्मित यांत्रिकी काउन्टर मशीन के मॉडल का, जिसके ब्राण्ड का नाम "किंग ब्राण्ड" है (जिसे इसमें इसके पश्चात मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी /09/2002/14 समनुदेशित किया गया है, अनुमोदन प्रमाणपत्र प्रकाशित करती है;

उक्त मॉडल "काउन्टर मशीन" है। इसकी अधिकतम क्षमता 10 कि. ग्रा. है।

और केंद्रीय सरकार उक्त अधिनियम की धारा 36 की उपधारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि मॉडल के इस अनुमोदन प्रमाणपत्र के अंतर्गत, उसी श्रृंखला के उसी मेक, यथार्थता और कार्यपालन वाले ऐसी यांत्रिकी काउंटर मशीन भी होगी जिनकी अधिकतम क्षमता 50 कि.ग्रा. तक है और जिनका विनिर्माण उसी विनिर्माता द्वारा उसी सिद्धान्त, डिजाइन और उसी सामग्री से किया जाता है जिससे अनुमोदित मॉडल का विनिर्माण किया गया है।

[फा.सं. डब्ल्यू. एम. 21(186)/2001]

पी.ए. कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the 4th July, 2003

S.O. 1890.— Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the Model described in the said report (the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Modles) Rules, 1987 and the said Model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the model of counter machine (herein referred to as the said model), manufactured by M/s. Anantra Hirachand Doshi, Savarkundla-364515 (Gujarat) and which is assigned the approval mark IND/09/2002/14;

The said model is counter machine working on the principle of beam with maximum capacity is 10 kg.

Further, in exercise of the powers conferred by sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said Model shall also cover the weighing instruments of similar make, accuracy and performance of same series with maximum capacity up to 50 kg, manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved model have been manufactured.

[F. No. WM-21(186)/2001]

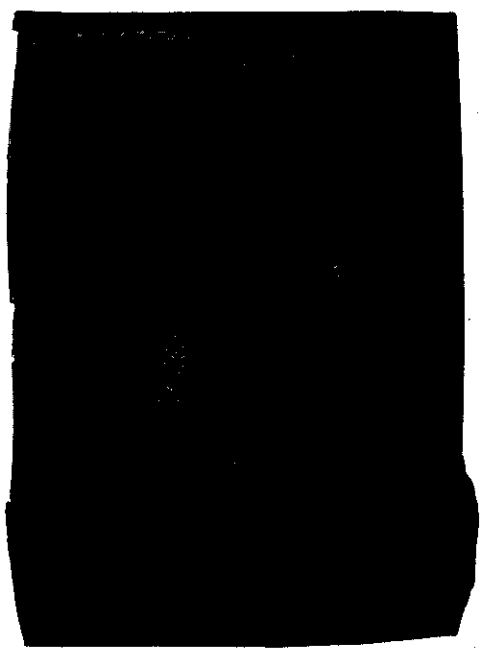
P. A. KRISHNAMOORTHY, Director of Legal Metrology

नई दिल्ली, 4 जुलाई, 2003

का.आ. 1891.—केंद्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात्, यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अत: अब केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उपधारा (7) और उपधारा (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स वारल लक्ष्मी स्टार्च इंडस्ट्रीज लि. पाप्पायरेडडायट्टी (पौ.)आर टी के धर्मपुरी (जि.) 636905 द्वारा विनिर्मित साधारण यथार्थता (यथार्थता वर्ग 3) वाले ''वी एस आई एल'' श्रृंखला के अस्वचालित तोलन उपकरण (प्लेटफार्म स्टील यार्ड टाइप) के मॉडल का, जिसके ब्रांड का नाम ''वारल लक्ष्मी'' है (जिसे इसमें इसके पश्चात् मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/2/137 समनुदेशित किया है, अनुमोदन प्रमाणपत्र प्रकाशित करती है;

उक्त मॉडल प्लेट फार्म स्टील यार्ड प्रकार का अस्वचालित तोलन उपकरण है। इसकी अधिकतम क्षमता 5 कि.ग्रा. और न्यूनतम क्षमता 100 ग्रा. है। सत्यापन मापमान (ई) का मान 10 ग्रा. है। यह कैसावा (टोपियों का) ट्यूबर में स्टार्च अन्तर्वस्तु अवधारित करने के लिए आशायित है।



स्टापिंग प्लेट के अतिरिक्त, संतुलनकारी गोला भी कपटपूर्ण व्यवहार के समायोजन को रोकने के लिए मुहरबन्द किया जाएगा।

[फा.सं. डब्ल्यू. एम. 21(05)/99]

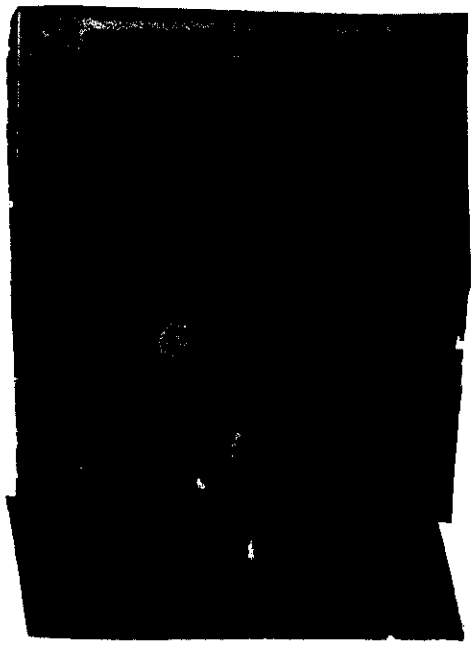
पी. ए. कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the 4th July, 2003

S.O.1891.— Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the Model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said Model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of section 36 of the said Act, the Central Government hereby issue and publishes the certificate of approval of the Modle of non-automatic weighing instrument (Plat form-Steel yard type), (hereinafter referred to as the said Model), of "VSIL" series belonging to Ordinary accuracy class (accuracy class III) and with brand name "VARALAKSIMI" Of Thailand make used by M/s Varalakahsmi Starch Industries Ltd. Pappireddiatty (PO) & TK, Dharampuri (Dist)-636905 and which is assigned the approval mark IND/09/02/137;

The said model is a non-automatic weighing instrument (platform-steel yard type of maximum capacity 5 kg. and minimum capacity 100 g. The value of verification scale interval is 10 g. It is intended for determining the starch content in Cassava (Topioca) Tuber.



In addition to sealing the stamping plate, the balancing ball shall also be sealed to prevent the adjustment for fraudulent practices.

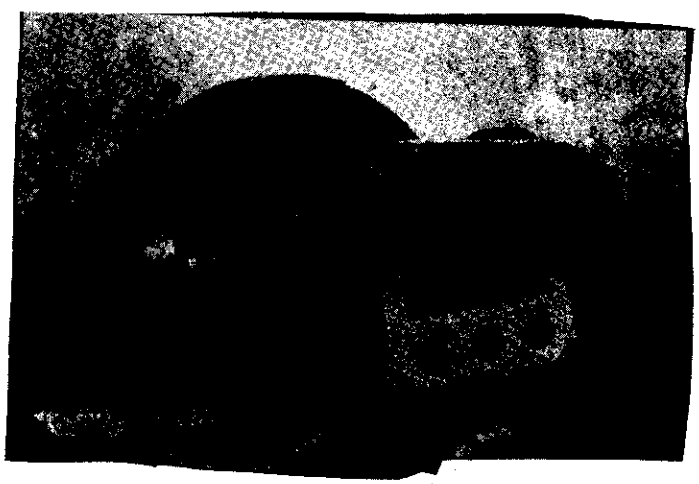
[F. No. WM-21(05)/99]

P. A. KRISHNAMURTHY, Director of Legal Metrology

नई दिल्ली, 4 जुलाई, 2003

का.आ. 1892.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा।

अत: अब केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उपधारा (7) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स तोशनीवाल हाइटेक प्राइवेट लिमिटेड 4-डी, 16, इंडस्ट्रियल एस्टेट, अम्बातूर, चेन्नई-600058 द्वारा विनिर्मित "ओ व्ही" श्रृंखला के "द्रवों के लिए मीटर (जल से भिन्न)" "अंत्प सयोजन ए एन एस आई 150 के साथ धनात्मक विस्थापन टाइप वाले माडल का, जिसके ब्राण्ड का नाम "तोशनीवाल" है (जिसे इसमें इसके पश्चात् मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/12/2003/71 समनुदेशित किया है, अनुमोदन प्रमाणपत्र प्रकाशित करती है;



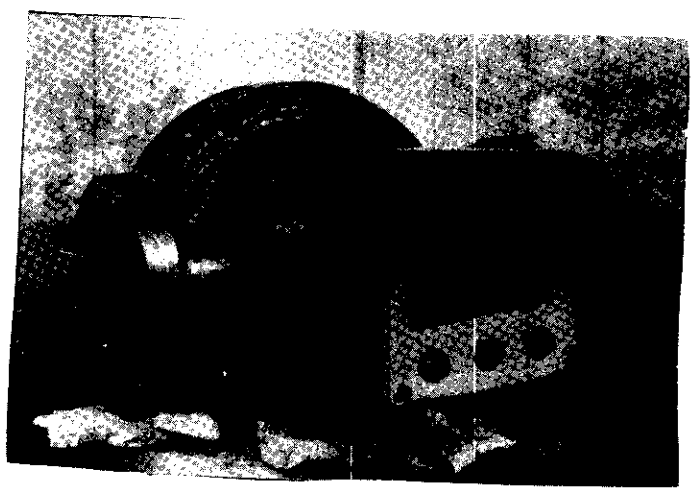
यह मॉडल (आकृति देखें) एक "द्रवों के मीटर (जल से भिन्न) के लिए 80 मि.मी. (3)" नागीय आकार के अंकक सूचन सहित मीटर की प्रवाह रेंज 150 से 1500 लीटर/मिनिट है। मीटर का प्रयोग पेट्रोलियम, पेट्रोकेमिकल, खाद्य, पेन्टस और औषध उत्पादों के मापन के लिए किया जाता है।

[फा० सं० डब्ल्यू. एम. 21(131)/99]
पी. ए. कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the 4th July, 2003

S.O. 1892.— Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the Model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights an Measures (Approval of Models) Rules, 1987 and the said Model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions.

Now, therefore, in exercise of the powers conferred by Sub-section (7) of Section 36 of the said Act, the Central Government hereby publishes the certificate of approval of the Model of "Meters for liquids (other than water)" of positive displacement type belonging to "OV" series with end connection ANSI150 (herein referred to as the Model) and with brand name "Toshniwal" manufactured by M/s. Toshniwal Hyvac Private Ltd, 4-D/6, Industrial Estate, Ambattur, Chennai-600058 and which is assigned the approval mark IND/12/2003/71;



The Model (see the figure) is a "Meter for liquids (other than water)" with digital display of nominal size of 80 mm(3"). The meter having flow range of 150 to 1500 litre/minute. The meter is used to measure petroleum, petro-chemical food, Paints and Pharmaceutical products.

[F. No. WM-21(131)/99)]

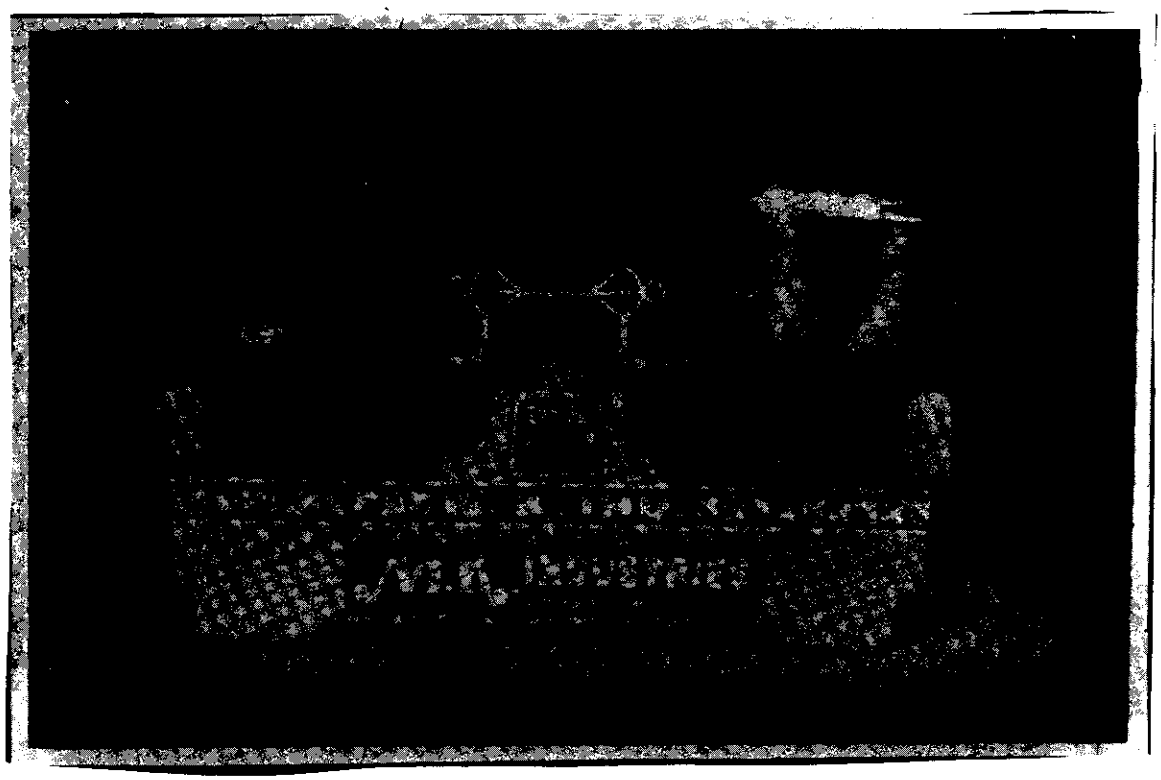
P. A. KRISHNAMOORTHY, Director of Legal Metrology

नई दिल्ली, 4 जुलाई, 2003

का.आ. 1893.—केंद्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात्, यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलो का अनुमोदन) नियम, 1987 के उपबधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अत: अब केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उपधारा (7) और उपधारा (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स एम.के. इंडस्ट्रीज, नं 3, शिवाजी नगर, सावरकुण्डला-364515 (गुजरात) द्वारा विनिर्मित काउंटर मशीन के मॉडल का जिसके ब्रांड का नाम "एम. के. इंडस्ट्रीज" है (जिसे इसमें मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/2003/81 समनुदेशित किया है, अनुमोदन प्रमाणपत्र प्रकाशित करती है;

उक्त मॉडल (नीचे दी गई आकृति देखें) एक काउंटर मशीन है। इसकी अधिकतम क्षमता 5 कि.ग्रा. है।



और, केंद्रीय सरकार उक्त अधिनियम की धारा 36 की उपधारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के इस अनुमोदन प्रमाणपत्र के अंतर्गत, उसी श्रृंखला के उसी मेक, यथार्थता और कार्यपालन वाले ऐसे तोलन उपकरण भी होंगे जिनकी अधिकतम क्षमता 500 ग्रा. से 50 कि.ग्रा. की रेंज में है और जिनका विनिर्माण उसी विनिर्माता द्वारा उसी सिद्धान्त, डिजाइन और उसी समाग्री से किया जाता है जिससे उक्त अनुमोदित मॉडल का विनिर्माण किया गया है।

[फा० सं० डब्ल्यू. एम. 21(119)/2002]

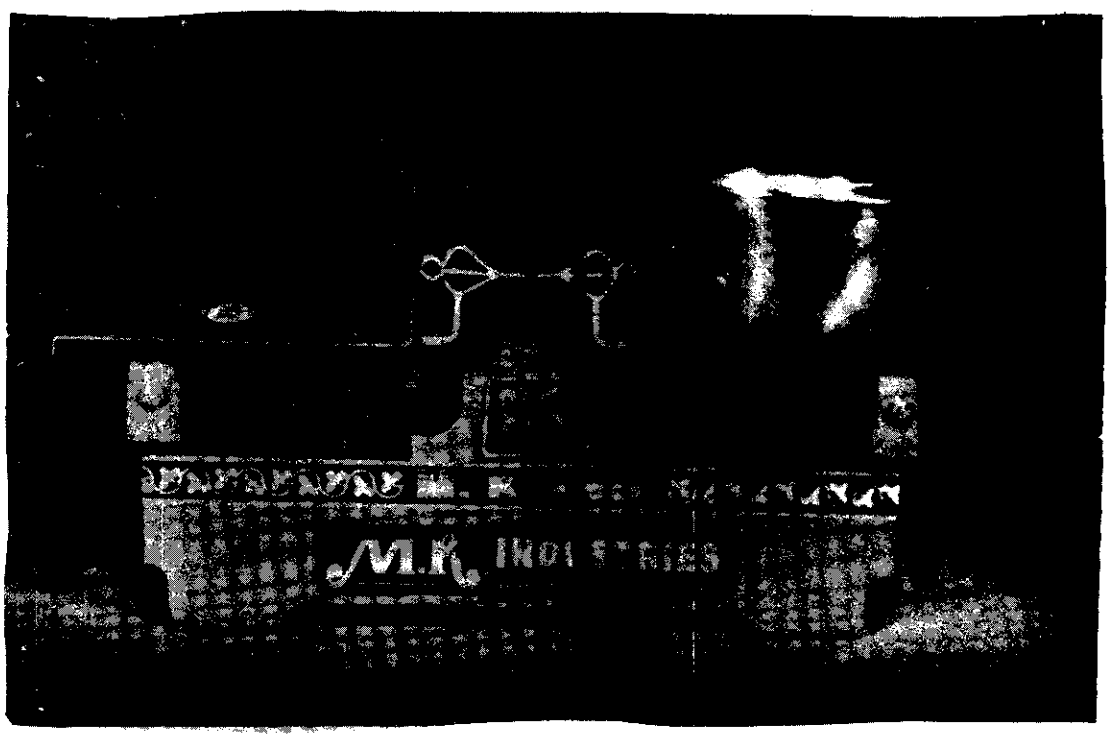
पी. ए. कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the 4th July, 2003

S.O. 1893.— Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the Models described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said Model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions.

Now, therefore, in exercise of the powers conferred by Sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the Model of counter machine (herein referred to as the model), with brand name 'M.K. INDUSTRIES' manufactured by M/s. M.K. Industries, No. 3, Shivaji Nagar, Savarkundla-364515 (Gujarat) and which is assigned the approval mark IND/09/2003/81;

The said model (see the figure given below) is a counter machine with maximum capacity of 5kg.



Further, in exercise of the powers conferred by Sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the Model shall also cover the weighing instruments of similar make, accuracy and performance of same series with maximum capacity in the range of 500g. to 50kg. manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved model has been manufactured.

[F. No. WM-21(119)/2002]

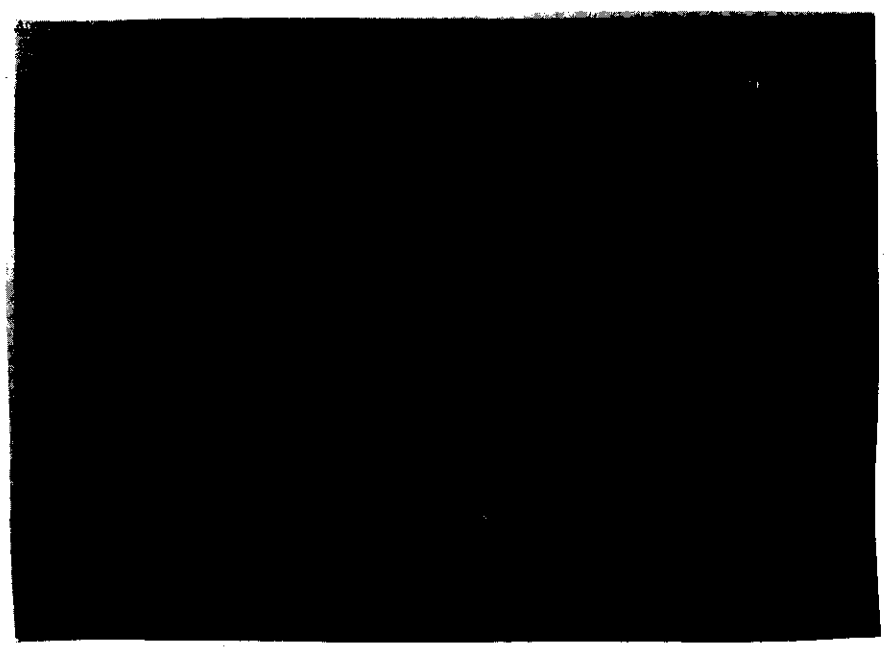
P. A. KRISHNAMOORTHY, Director of Legal Metrology

नई दिल्ली, 4 जुलाई, 2003

का.आ. 1894.—केंद्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट तथा माप मानक (माडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अत: अब केंद्रीय सरकार उक्त अधिनियम की धारा 36 की उपधारा (7) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स बाबू भाई मोरारजी, जेसर रोड, सावरकुण्डला-364515 (गुजरात) द्वारा विनिर्मित काउंटर मशीन के मॉडल का, जिसके ब्राण्ड का नाम "पूजा" है (जिसे इसमें मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/2002/26 समनुदेशित किया गया है, अनुमोदन प्रमाणपत्र प्रकाशित करती है;

उक्त मॉडल (आकृति देखें) एक "काउंटर मशीन" है। इसकी अधिकतम क्षमता 10 कि.ग्रा. है।



और, केंद्रीय सरकार उक्त धारा 36 की उपधारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के इस अनुमोदन प्रमाणपत्र के अंतर्गत, उसी शृंखला के उसी मेक, यथार्थता और कार्यपालन वाले ऐसे तोलन उपकरण भी होंगे जिनकी अधिकतम क्षमता 500 ग्रा. से 50 कि. ग्रा. तक है, और जिनका विनिर्माण उसी विनिर्माता द्वारा उसी सिद्धान्त, डिजाइन और उसी सामग्री से किया जाता है जिससे अनुमोदित मॉडल का विनिर्माण किया गया है।

[फा०सं० डब्ल्यू. एम. 21(29)/2002]
पी. ए. कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the 4th July, 2003

S.O. 1894.— Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the Model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights an Measures (Approval of Models) Rules, 1987 and the said Model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by Sub-section (7) of Section 36 of the said Act, the Central Government hereby publishes the certificate of approval of the Model of counter machine (herein referred to as the model) with brand name "Pooja", manufactured by M/s. Babu Bhai Morarji, Jesar Road, Savarkundla-364515 (Gujarat) and which is assigned the approval mark IND/09/2002/26;

The said Model (see the figure) is "counter machine". The maximum capacity is 10 kg.

Further, in exercise of the powers conferred by Sub-section (12) of the said Section, the Central Government hereby declares that this certificate of approval of the Model shall also cover the weighing instruments of similar make, accuracy and performance of same series with maximum capacity from 500 g. upto 50 kg., manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which the approved model has been manufactured.

[F. No. WM-21(29)/2002]

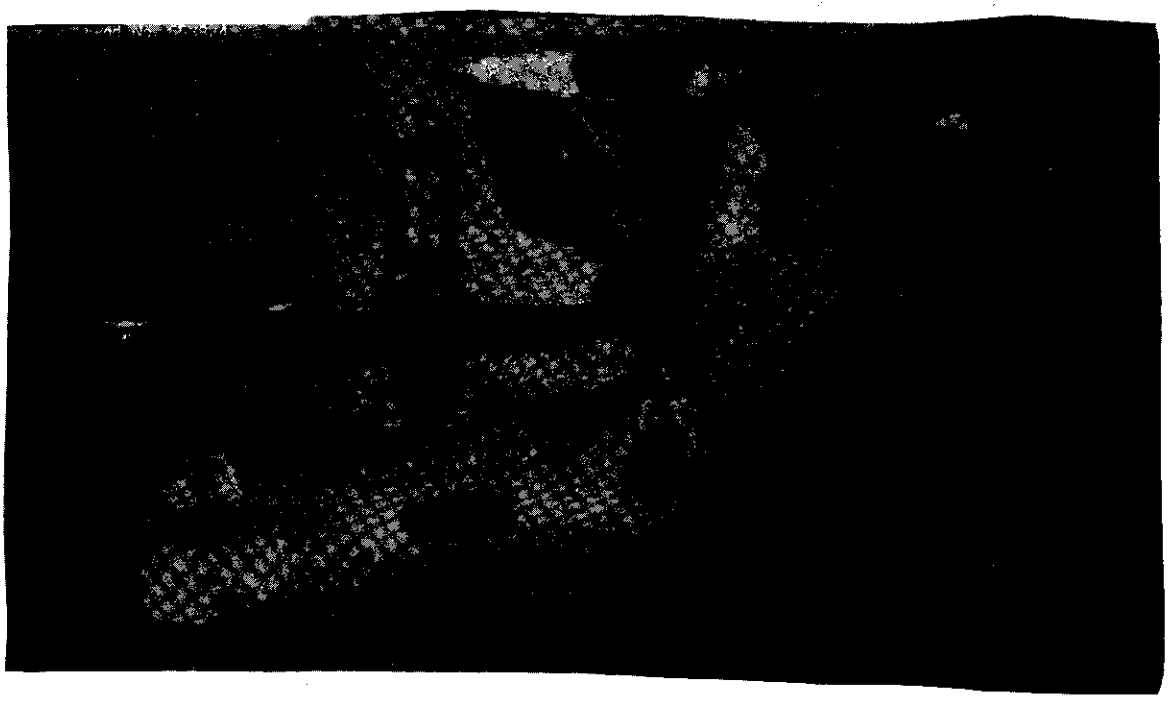
P. A. KRISHNAMOORTHY, Director of Legal Metrology

नई दिल्ली, 4 जुलाई, 2003

का.आ. 1895.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात्, यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित माडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट तथा माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त माडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब, केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उपधारा (7) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स प्रिंस स्केल इंडस्ट्रीज, शॉप नं. 1, नियर हरिओम सोसायटी, नियर राजेन्द्र पार्क, चार रास्ता, एन एच बी ओधव, अहमदाबाद-382415 (गुजरात) द्वारा विनिर्मित काउंटर मशीन के माडल का, जिसके ब्राण्ड का नाम "प्राइम स्केल इंडस्ट्रीज" है (जिसे इसमें उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/2003/28 समनुदेशित किया गया है, अनुमोदन प्रमाणपत्र प्रकाशित करती है;

उक्त माडल (आकृति देखें) एक "काउंटर मशीन" है। इसकी अधिकतम क्षमता 10 कि.ग्रा. है।



और, केन्द्रीय सरकार उक्त धारा की उपधारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के इस अनुमोदन प्रमाणपत्र के अंतर्गत, उसी शृंखला के उसी मेक, यथार्थता और कार्यपालन वाले ऐसे तोलन उपकरण भी होंगे जिनकी अधिकतम क्षमता 500 ग्रा. से 50 कि.ग्रा. की रेंज में है, और जिनका विनिर्माण उसी विनिर्माता द्वारा उसी सिद्धान्त, डिजाइन और उसी सामग्री से किया जाता है जिससे अनुमोदित मॉडल का विनिर्माण किया गया है।

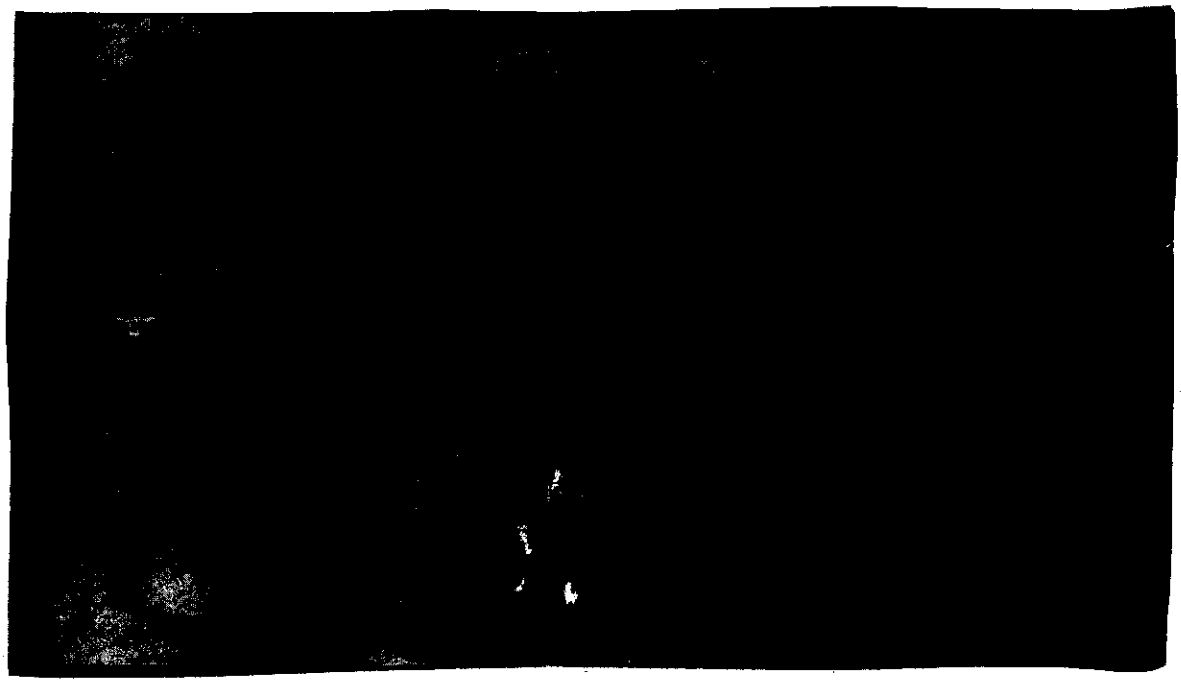
[फा.सं. डब्ल्यू. एम. 21(97)/2002]
पी. ए. कृष्णा-मूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the 4th July, 2003

S.O. 1895.— Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the Model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said Model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred Sub-section (7) of Section 36 of the said Act, the Central Government hereby publishes the certificate of approval of the Model of counter machine (herein referred to as the said model) with brand name "Prime Scale Industries", manufactured by M/s. Prime Scale Industries, Shop No. 1, Near Hariom Society, Near Rajendra Park, Char Rasta, N.H.B. Odhav, Ahmedabad-382415 (Gujarat) and which is assigned the approval mark IND/09/2003/28;

The said Model (see the figure) is "counter machine". The maximum capacity is 10 kg.



Further, in exercise of the powers conferred by Sub-section (12) of the said Section the Central Government hereby declares that this certificate of approval of the said Model shall also cover the weighing instruments of similar make, accuracy and performance of same series within the range of 500 g. to 50 kg., manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the approved model has been manufactured.

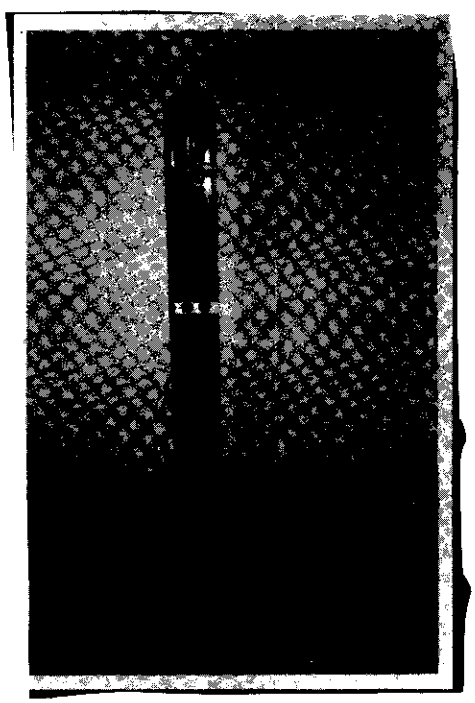
[F. No. WM-21(97)/2002]

P. A. KRISHNAMOORTHY, Director of Legal Metrology

नई दिल्ली, 4 जुलाई, 2003

का.आ. 1896.—केंद्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट तथा माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा।

अतः, अब, केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उपधारा (7) और उपधारा (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स विष्णु इंजीनियरिंग, यूनाइटेड इन्डस्ट्रीयल कम्पाउण्ड, गाला नं. 10, नं. 2, पोखरण रोड, निकट देवी दयाल इलैक्ट्रॉनिक्स एंड ब्ल्यू स्टार, थाणे-(डब्ल्यू)-400 601 द्वारा विनिर्मित स्नेहक तेल (2 टी) वितरक के मॉडल का, जिसके ब्राण्ड का नाम "विष्णु इंजीनियरिंग" है (जिसे इसमें उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/03/103 समनुदेशित किया गया है, अनुमोदन प्रमाणपत्र प्रकाशित करती है।



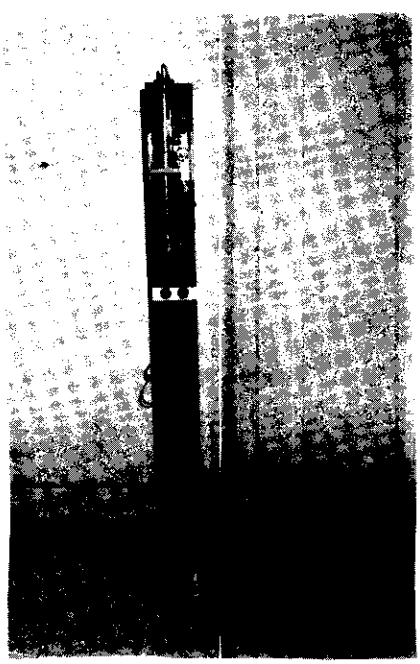
उक्त मॉडल एक स्नेहक तेल (2 टी) वितरक मशीन है जो पैट्रोल परिदान करने वाले होज में स्नेहक तेल के परिदान के लिए पैट्रोल पम्प के साथ संलग्न की जाती है। इसकी अधिकतम क्षमता 10 मि.ली. अंशाकन के साथ 300 मि. ली. तक है। इसे चूषण तथा विसर्जन के लिए लगाए गए पृथक वाल्व के साथ वायु दाब पर हाथ से प्रचालित किया जाता है।

[फा० सं० डब्ल्यू. एम.-21(58)/2002]
पी. ए. कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the 4th July, 2003

S.O. 1896.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the Model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said Model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions.

Now, therefore, in exercise of the powers conferred by Sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the Model of Lubricating Oil (2T) Dispenser with brand name "Vishnu Engineering", (herein referred to as the said model) manufactured by M/s. Vishnu Engineering, United Industrial Compound, Galla No. 10, No. 2, Pokheran Road, Near Devidayal Electronics & Blue Star, Thane (W) -400 601 and which is assigned the approval mark IND/09/03/103;



The said model is a Lubricating Oil (2T) dispensing machine to be attached with a petrol pump for delivery of lubricant into the hose delivering petrol. Its maximum capacity is 300ml with 10 ml graduation. It is operated manually on air pressure with a separate value provided for suction and discharge.

[F. No. WM-21(58)/2002]

P. A. KRISHNAMOORTHY, Director of Legal Metrology

नई दिल्ली, 4 जुलाई, 2003

का.आ. 1897.—केंद्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट तथा माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबधों के अनुरुप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेग;

अत:, अब, केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उपधारा (7) और उपधारा 8 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स लुहार जे चन्द करसन, 10 रीवर बैंक, सावरकुण्डला-364 515 (गुजरात) द्वारा विनिर्मित काउंटर मशीन के मॉडल का, जिसके ब्राण्ड का नाम "लुहार जे चन्द करसन" है (जिसे इसमें उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/2003/38 समनुदेशित किया गया है, अनुमोदन प्रमाणपत्र प्रकाशित करती है;

उक्त मॉडल (नीचे दी गई आकृति देखें) एक "काउंटर मशीन" है। इसकी अधिकतम क्षमता 10 कि.ग्रा. है।

और, केंद्रीय सरकार उक्त अधिनियम की धारा 36 की उपधारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि मॉडल के इस अनुमोदन प्रमाणपत्र के अंतर्गत, उसी श्रृंखला के उसी मेक, यथार्थता और कार्यपालन वाले ऐसे तोलन उपकरण भी होंगे जिनकी अधिकतम क्षमता 500 ग्रा. से 50 कि.ग्रा. की रेंज में है और जिनका विनिर्माण उसी विनिर्माता द्वारा उसी सिद्धान्त, डिजाइन और उसी सामग्री से किया जाता है जिससे अनुमोदित मॉडल का विनिर्माण किया गया है।

[फा०सं० डब्ल्यू. एम.-21(21)/2002]

पी. ए. कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the 4th July, 2003

S.O. 1897. —Where as the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said Model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by Sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the Model of counter machine (herein referred to as the said Model) with brand name 'Luhar Jechand Karsan,' manufactured by M/s. Luhar Jechand Karsan, River Bank, Savarkundla-364 515 (Gujarat) and which is assigned the approval mark IND/09/2003/38;

The said Model (see the figure given) is "counter machine". The maximum capacity is 10kg.

Further, in exercise of the powers conferred by Sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said Model shall also cover the weighing instruments of similar make, accuracy and performance of same series with maximum capacity in the range of 500 g. to 50 kg., manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved Model has been manufactured.

[F. No. WM-21(21)/2002]

P. A. KRISHNAMOORTHY, Director of Legal Metrology

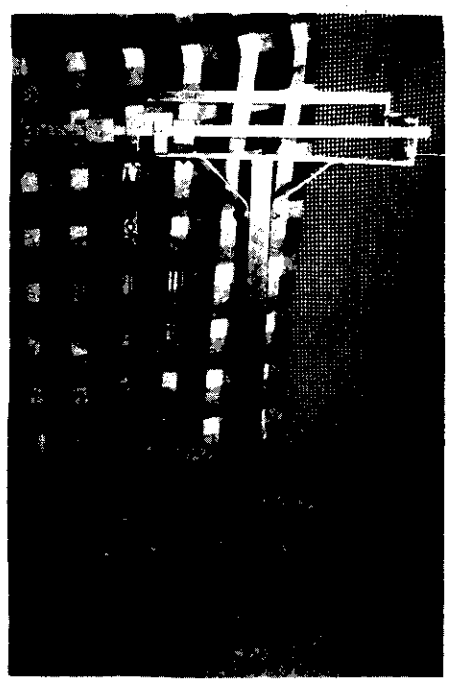
नई दिल्ली, 4 जुलाई, 2003

का.आ. 1898 .—केंद्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरुप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अत: अब केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उपधारा (7) और उपधारा (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स तमिलनाडु स्टार्च एण्ड सेगो मेन्युफैक्चरर्स एसोसिएशन, रेगोसत्र कैम्पस, ओमालूर मैन रोड, सलेम-636302 द्वारा विनिर्मित साधारण यथार्थता (यथार्थता वर्ग 4) वाले "पी एस ई टी टी" शृंखला के स्वत: सूचक अस्वचालित, यांत्रिक तुल्यरुप सूचन सहित तोलन उपकरण (प्लेटफार्म स्टील यार्ड प्रकार) के मॉडल का, जिसके ब्रांड का नाम "टामसा थाईलैण्ड निर्मित" है (जिसे इसमें इसके पश्चात् मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/2002/136 समनुदेशित किया गया है, अनुमोदन प्रमाणपत्र प्रकाशित करती है;

यह मॉडल (आकृति देखें) एक यांत्रिक प्लेटफार्म स्टील यार्ड प्रकार का तोलन उपकरण है। इसकी अधिकतम क्षमता 5 कि.ग्रा. है और न्यूनतम क्षमता 100 ग्राम है। सत्यापन मापमान (ई) का मान 10 ग्राम है। यह कैसावा (टॉपियोका) कन्द में माण्ड अंश के निर्धारण के लिए आशयित है;

सीलिंग : स्टाम्पिंग प्लेट के साथ, कपटपूर्ण व्यवहारों को रोकने के लिए लीवर के एक छोर पर प्रदतति संतुलन विन्यास को सील किया गया है।



और, केंद्रीय सरकार उक्त अधिनियम की धारा 36 की उपधारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि मॉडल के इस अनुमोदन प्रमाणपत्र के अंतर्गत, उसी शृंखला के उसी मेक, यथार्थता और कार्यपालन वाले ऐसे तोलन उपकरण भी होंगे जिनकी अधिकतम क्षमता 5 कि.ग्रा. या अधिक है और जिनका विनिर्माण उसी विनिर्माता द्वारा उसी सिद्धान्त, डिजाइन और उसी सामग्री से किया जाता है जिससे उक्त अनुमोदित मॉडल का विनिर्माण किया गया है, और जिनके सत्यापन मापमान अन्तराल(एन) और 5 ग्रा. या इससे अधिक के "ई" मान के लिए 100 से 1000 की रेंज में है तथा जिनका "ई" मान 1×10^{k}, 2×10^{k} या 5×10^{k} है जिसमें के धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य है।

[फा० सं० डब्ल्यू. एम. 21(198)/2000]
पी. ए. कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान

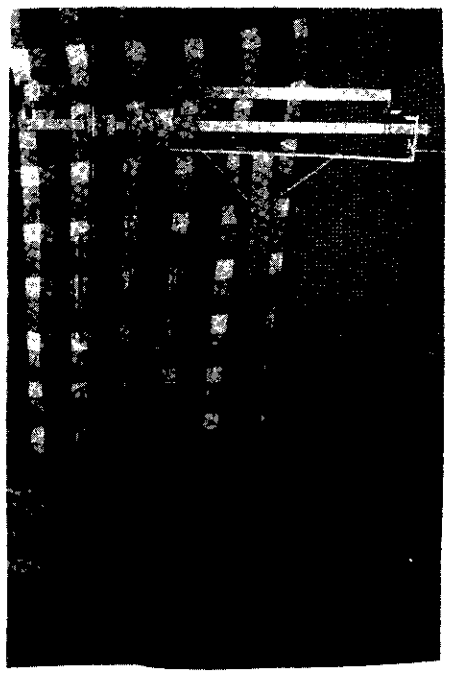
New Delhi, the 4th July, 2003

S.O. 1898.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the Model described in the said report (fee the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said Model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by Sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby publishes the certificate of approval of the Model of the self indicating, non-automatic, Mechanical (Platform Steel yard type) weighing instrument with analogue indication of "PSE-TT" series of Ordinary accuracy (Accuracy class IV) and with brand name "TASSMA" of Thailand make (hereinafter referred to as the model) manufactured by M/s. Tamil Nadu Starch & Sago Manufacturers Association, Sagoserve Campus, Omalur Main Road, Salem-636302 and which is assigned the approval mark IND/09/2002/136;

The said Model (figure given) is a mechanical Platform-steel yard type weighing instrument with a maximum capacity of 5 kg. and minimum capacity of 100g. The verification scale interval (e) is 10g. It is intended for determining the starch content in Cassava (Topioca) tuber.

SEAING: In addition to sealing the stamping plate, the balancing arrangement provided at one end of the lever to be sealed to prevent fraudulent practices.



Further, in exercise of the powers conferred by Sub-section (12) of section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the Model shall also cover the weighing instrument of similar make, accuracy and performance of same series with maximum capacity upto 5kg.and with number of verification scale interval (n) in the range of 100 to 1,000 for 'e' value of 5g. or more with 'e' value 1×10^k, 2×10^k or 5×10^k, k being the positive or negative whole number or equal to zero, manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the approved Model has been manufactured.

[F. No. WM-21(198)/2000]

P. A. KRISHNAMOORTHY, Director of Legal Metrology

नई दिल्ली, 4 जुलाई, 2003

का.आ. 1899.—केंद्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात्, यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अत: अब केंद्रीय सरकार उक्त अधिनियम की धारा 36 की उपधारा (7) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स मार्स इण्डिया, बी-44 महेश नगर, उत्तमनगर के सामने, निकोल शाम रोड, अहमदाबाद-382350 द्वारा विनिर्मित मध्यम यथार्थता (यथार्थता वर्ग 3) वाले "एम आई पी-102" श्रृंखला के स्वत: सूचक, अस्वचालित, अंकक सूचन सहित तोलन उपकरण (प्लेटफार्म प्रकार) के मॉडल का, जिसके ब्रांड का नाम "मार्स इंडिया" है (जिसे इसमें इसके पश्चात् मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/2003/20 समनुदेशित किया गया है, अनुमोदन प्रमाणपत्र प्रकाशित करती है;

सीलिंग : स्टाम्पिंग प्लेट को सील करने के साथ, मशीन की सीलिंग इसे कपटपूर्ण व्यवहारों के लिए खोलने से निवारित करने के लिए की गई है।

यह मॉडल (आकृति देखें) भार सेल आधारित तोलन उपकरण है। इसकी अधिकतम क्षमता 30 कि.ग्रा. और न्यूनतम क्षमता 100 ग्राम है। सत्यापन मापमान अन्तराल 'ई' का मान 5 ग्राम है। इसमें एक आद्येयतुलन युक्ति है जिसका शत प्रतिशत व्यवकलनात्क धारित आद्येयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है;

और, केंद्रीय सरकार उक्त धारा की उपधारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के इस अनुमोदन प्रमाणपत्र के अंतर्गत, उसी श्रृंखला के ऐसे तोलन उपकरण भी होंगे जिनकी अधिकतम क्षमता 300 कि.ग्रा. तक है और जिनका विनिर्माण उसी विनिर्माता द्वारा उसी सिद्धान्त, डिजाइन और उसी समाग्री से किया जाता है जिससे अनुमोदित मॉडल का विनिर्माण किया गया है, और जिनके सत्यापन मापमान अन्तराल(एन) 5 ग्रा. या इससे अधिक के "ई" मान के लिए 500 से 10,000 की रेंज में है तथा जिनका "ई" मान 1×10^{k}, 2×10^{k} या 5×10^{k} है जिसमें के धनात्मक या ऋणात्मक पूर्णांक है या शून्य के समतुल्य है।

[फा० सं० डब्ल्यू. एम.-21(179)/2000]
पी. ए. कृष्णमूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the 4th July, 2003

S.O. 1899.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the Model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said Model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by Sub-section (7) of Section 36 of the said Act, the Central Government hereby publishes the certificate of approval of the Model of the self indicating, non-automatic, (Platform) weighing instrument with digital indication of "MIP-102" series of Medium accuracy (Accuracy class III) and with brand name "MARS INDIA" (herein referred to as the model) manufactured by M/s. Mars India, B-44 Mahesh Nagar, Opp. Uttam Nagar, Nilkol Gam Road, Ahmedabad-382 350 and which is assigned the approval mark IND/09/2003/20;

Sealing: In addition to sealing the stamping plate,sealing of the machine is done to prevent its opening for fraudulent practices.

The said Model (see the figure) is a load cell based weighing instrument with a maximum capacity of 30 kg. and minimum capacity of 100g. The verification scale interval (e) is 5g. It has a tare device with a 100 per cent substractive retained tare effect. The light Emitting Diode (LED) display indicates the weighing result. The instrument operates on 230 volts and 50-hertz alternative current power supply;

Further, in exercise of the powers conferred by Sub-section (12) of the said section the Central Government hereby declares that this certificate of approval of the said Model shall also cover the weighing instrument of same series with maximum capacity upto 300 kg.and with number of verification scale interval (n) in the range of 500 to 10,000 and with 'e' value of 5g or more and with 'e' value 1×10^k, 2×10^k or 5×10^k, k being the positive or negative whole number or equal to zero, manufactured by the same manufacturer with the same principle, design and with the same materials with which, the approved model has been manufactured.

[F. No. WM-21(179)/2000]

P. A. KRISHNAMOORTHY, Director, Legal Metrology

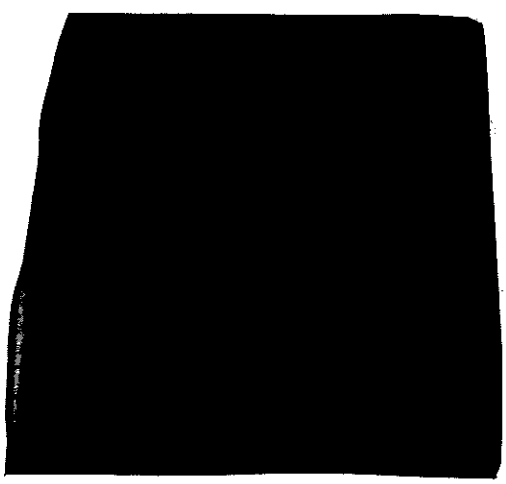
नई दिल्ली, 4 जुलाई, 2003

का.आ. 1900.—केंद्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल अपनी यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः अब केंन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उपधारा (7) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स तुला डिजिटल्स (इण्डिया) प्राइवेट लिमिटेड, ए-12, नारायणा इंडस्ट्रियल एरिया, फेस 1 नई दिल्ली-110028 द्वारा विनिर्मित उच्च यथार्थता (यथार्थता वर्ग 2) वाले "टी डी" श्रृंखला के स्वतः सूचक अस्वचालित, अंकक सूचक सहित तोलन उपकरण (टेबल टाप प्रकार) के मॉडल का, जिसके ब्रांड का नाम "स्विफ्ट" है (जिसे इसमें इसके पश्चात मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/2002/118 समनुदेशित किया गया है, अनुमोदन प्रमाणपत्र प्रकाशित करती है।

उक्त मॉडल (आकृति देखें) तोलन उपकरण है। इसकी अधिकतम क्षमता 200 ग्रा. है और न्यूनतम क्षमता 200 मि. ग्राम है। सत्यापन मापमान अन्तराल "ई" का मान 10 मि. ग्राम है। इसमें एक आद्येयतुलन युक्ति है जिसका शत प्रतिशत व्यवकलानात्मक धारित आद्येयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।

सीलिंग : कपटपूर्ण उपयोग से बचने के लिए सीलिंग बिन्दु मशीन के तल पर दिया गया है।



और केंद्रीय सरकार उक्त अधिनियम की धारा 36 की उपधारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि मॉडल के इस अनुमोदन प्रमाणपत्र के अंतर्गत, उसी श्रृंखला के उसी मेक, यथार्थता और कार्यपालन वाले ऐसे तोलन उपकरण भी होंगे जिनकी अधिकतम क्षमता 50 कि.ग्रा. तक है और जिनका विनिर्माण उसी विनिर्माता द्वारा उसी सिद्धान्त, डिजाइन और उसी सामग्री से किया जाता है जिससे उक्त अनुमोदित मॉडल का विनिर्माण किया गया है, और जिनके सत्यापन मापमान अन्तराल(एन) 1 मि. ग्रा. से 50 मि. ग्रा. के "ई" मान के लिए 100 से 50,000 की रेंज में है और 100 मि. ग्रा. या अधिक के "ई" मान के लिए 5000 से 50,000 की रेंज में है तथा जिनका "ई" मान 1×10^{k}, 2×10^{k} या 5×10^{k} है जिसमें के धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य है।

[फा० सं० डब्ल्यू. एम.-21(136)/2000]

पी. ए. कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान

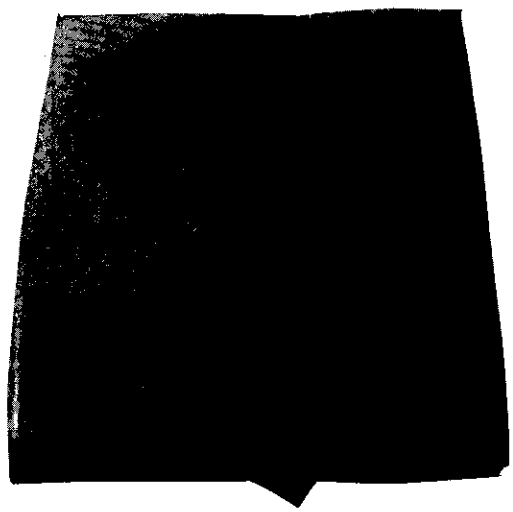
New Delhi, the 4th July, 2003

S.O. 1900.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the Model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said Model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by Sub-sections (7) of Section 36 of the said Act, the Central Government hereby publishes the certificated of approval of the Model of the self indicating, non-automatic, (Table top type) weighing instument with digital indication of "TDJ" series of High accuracy (Accuracy class II) and with brand name "SWIFT" (herein referred to as the model) manufactured by M/s. Tula Digitals (India) Private Limited, A-12 Naryana Industrial Area, Phase 1, New Delhi-110028 and which is assigned the approval mark IND/09/2002/118;

The said Model (figure given) is a weighing instrument with a maximum capacity of 200 g. and minimum capacity of 200mg. The verification scale interval (e) is 10mg. It has a tare device with a 100 percent substractive retained tare effect. The light Emitting Diode (LED) display indicates the weighing result. The instrument operates on 230 volts and 50-hertz alternative current power supply;

Sealing: In addition to sealing the stamping plate, sealing should also be done to present opening of machine for fraudulent practices.



Further, in exercise of the powers conferred by Sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the Model shall also cover the weighting instrument similar make, accuracy and performance of same series with maximum capacity upto 50 kg.and with number of verification scale interval (n) in the range of 100 to 50,000 for 'e' value of 1mg to 50 mg and with number of verification scale interval(n) in the range of 5000 to 50,000 for 'e' value of 100mg or more and with 'e' value 1×10^k, 2×10^k or 5×10^k, k being the positive or negative whole number or equal to zero, manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the approved model have been manufactured.

[F. No. WM-21(136)/2000]

P. A. KRISHNAMOORTHY, Director of Legal Metrology

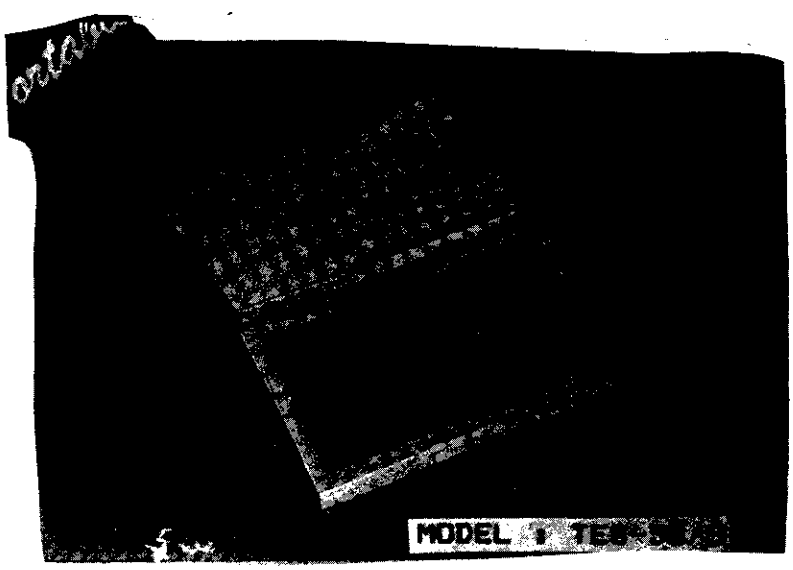
नई दिल्ली, 4 जुलाई, 2003

का.आ. 1901.—केंद्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल अपनी यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अत: अब केंन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उपधारा (7) और उपधारा (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स प्रिमियर इंजीनियरिंग वर्क्स, 16-ए, हल्दरपारा लेन, हावड़ा-711104 द्वारा विनिर्मित मध्यम यथार्थता (यथार्थता वर्ग 3) वाले "टी ई एस/58-ई" श्रृंखला के अंकक सूचन सहित तोलन उपकरण (टेबल टॉप प्रकार) के मॉडल का जिसके ब्रांड का नाम "प्रीमियर" है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिन्ह आई एन डी/09/2002/143 समनुदेशित किया गया है, अनुमोदन प्रमाणपत्र प्रकाशित करती है।

उक्त मॉडल (नीचे दी गई आकृति देखें) विकृति गेज भार सेल आधारित प्रकार का तोलन उपकरण है। इसकी अधिकता क्षमता 6 किलो ग्राम और न्यूनतम क्षमता 20 ग्राम है। सत्यापन मापमान (ई) का मान 1 ग्राम है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यवकलनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल.ई.डी.) प्रदर्श तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।

मुद्रांकन : मुद्रांकन प्लेट पर स्टाम्प लगाने के अतिरिक्त मुद्रांकन कपटपूर्ण व्यवहारों के लिए मशीन की खुलाई रोकने के लिए पेच बिन्दु पर की जानी चाहिए।



और केंद्रीय सरकार उक्त धारा की उपधारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि मॉडल के इस अनुमोदन प्रमाणपत्र के अंतर्गत, उसी श्रृंखला के उसी मेक, यथार्थता और कार्यपालन वाले ऐसे तोलन उपकरण भी होंगे जिनकी अधिकतम क्षमता 50 कि.ग्रा. तक है और जिनका विनिर्माण उसी विनिर्माता द्वारा उसी सिद्धान्त, डिजाइन और उसी सामग्री से किया जाता है जिससे अनुमोदित मॉडल का विनिर्माण किया गया है, और जिनके सत्यापन मापमान अन्तराल (एन) की अधिकतम 100 मिलीग्राम से 2 ग्राम के "ई" मान के लिए 100 से 10000 के रेंज में है तथा 5 ग्राम या इससे अधिक के "ई" मान के लिए 500 से 10000 के रेंज में है तथा "ई" मान 1 × 10के, 2 ×10के या 5× 10के है जिसमें के धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य है।

[फा.सं. डब्ल्यू. एम.-21(65)/2000]

पी. ए. कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान

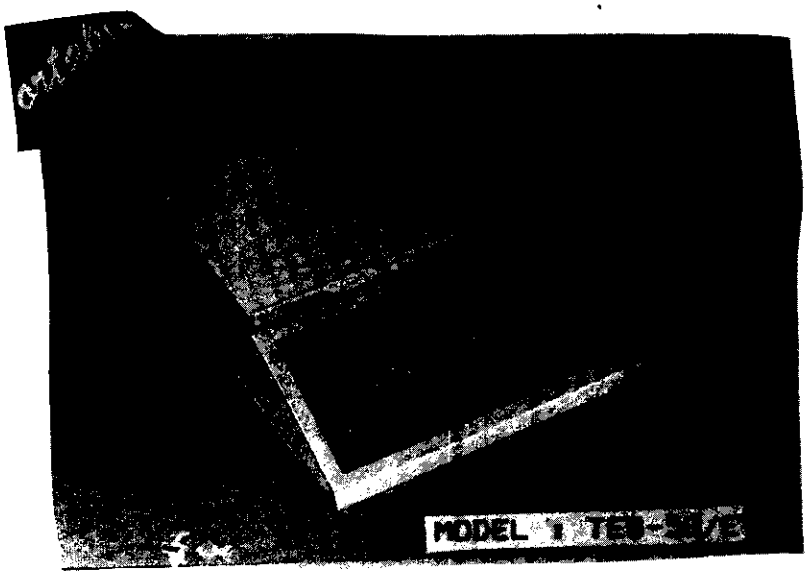
New Delhi, the 4th July, 2003

S.O.1901— Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the Model described in the said report (See the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights an Measures (Approval of Models) Rules, 1987 and the said Model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions.

Now, therefore, in exercise of the powers conferred by Sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the Model of the self-indicating, non-automatic (Table top type) weighing instrument with digital indication of "TES/58-E" series of Medium accuracy (Accuracy class III) and with brand name "PREMIER" (herein referred to as the said Model), manufactured by M/s Premier Engineering Works, 16-A, Halderpara Lane, Howarah-711104 and which is assigned the approval mark IND/09/2002/143;

The said Model (See the figure given below) is a strain gauge type load cell based weighing instrument with a maximum capacity of 6Kg and minimum capacity of 20g. The verification scale interval (e) is 1g. It has a tare device with a 100 per cent subtractive retained tare effect. The Light Emitting Diode display indicates the weighing result. The instrument operates on 230 volts and 50-hertz alternate current power supply.

Sealing: In addition to stamping the sealing plate, sealing shall be done to prevent opening machine for fraudulent practices.



Further, in exercise of the powers conferred by Sub-section (12) of the said Section, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instrument of similar make and performance of same series with maximum capacity upto 50Kg and with number of verification scale interval (n) in the range of 100 to 10,000 for 'e' value of 100mg to 2g and with number of verification scale interval (n) in the range of 500 to 10,000 for 'e' value of 5g or more and with 'e' value 1×10^k, 2×10^k or 5×10^k. k being the positive or negative whole number or equal to zero, manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the approved model has been manufactured.

[F. No. WM-21(65)/2000]

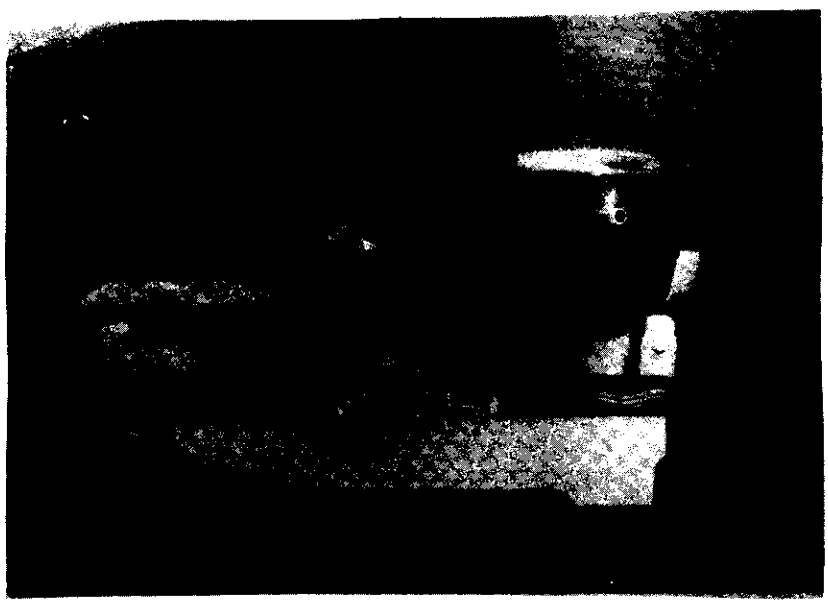
P. A. KRISHNAMOORTHY, Director of Legal Metrology

नई दिल्ली, 4 जुलाई, 2003

का.आ. 1902 —केंद्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा।

अतः अब केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उपधारा (7) और उपधारा (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स मनसुखलाल दामजी, शिवाजी रोड, सावरकुन्डला-364515 (गुजरात) द्वारा विनिर्मित काउंटर मशीन के मॉडल का, जिसके ब्रांड का नाम "मनसुखलाल दामजी" है (जिसे इसमें मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी 09/2003/73 समनुदेशित किया गया है अनुमोदन प्रमाणपत्र प्रकाशित करती है।

उक्त मॉडल (आकृति देखें) एक काउंटर मशीन है। इसकी अधिकतम क्षमता 10 कि. ग्रा. है।



और केंद्रीय सरकार उक्त अधिनियम की धारा 36 की उपधारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के इस अनुमोदन प्रमाणपत्र के अंतर्गत, उसी शृंखला के उसी मेक, यथार्थता और कार्यपालन वाले ऐसे तोलन उपकरण भी होंगे जिनकी अधिकतम क्षमता 500 ग्राम से 50 कि. ग्रा. की रेंज में है और जिनका विनिर्माण उसी विनिर्माता द्वारा उसी सिद्धांत डिजाइन और उसी सामग्री से किया जाता है जिससे उक्त अनुमोदित मॉडल का विनिर्माण किया गया है।

[फा.सं. डब्ल्यू. एम. 21(138)/2001]

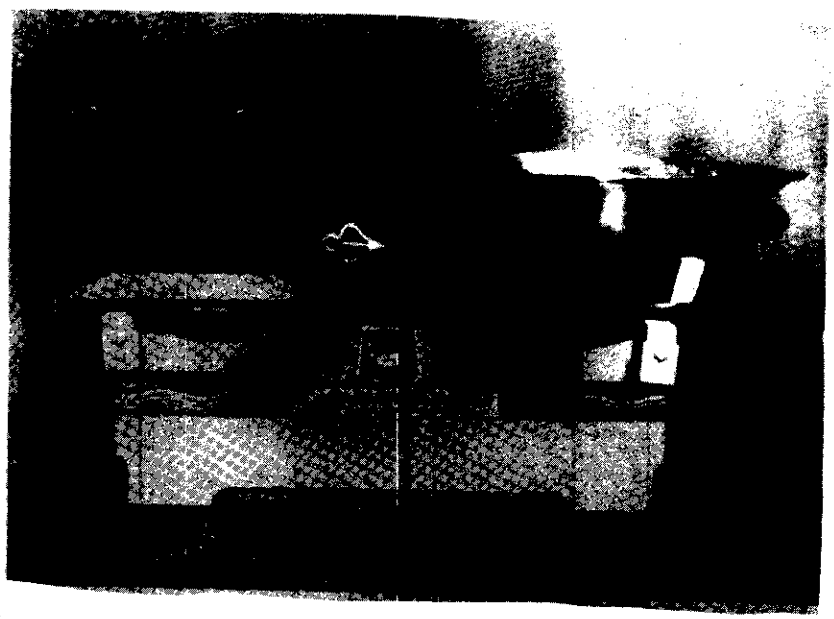
पी. ए. कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the 4th July, 2003

S.O.1902— Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the Models described in the said report (See the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said Model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions.

Now, therefore, in exercise of the powers conferred by Sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the Model of counter machine (herein refered to as the Model), with brand name 'Mansukhlal Damji' manufactured by M/s. Mansukhlal Damji. Shivaji Road, Savarkundla-364515 (Gujarat) and which is assigned the approval mark IND/09/2003/73;

The said Model (See the figure given below) is a counter machine. The maximim capacity is 10kg.



Further, in exercise of the powers conferred by Sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instrument of similar make, accuracy and performance of same series with capacity in the range of 500g to 50kg, manufactured by the same manufacturer in accordance with the same principle, designe and with the same materials with which, the said approved model has been manufactured.

[F. No. WM-21(138)/2001]

P. A. KRISHNAMOORTHY, Director of Legal Metrology

नई दिल्ली, 4 जुलाई, 2003

का.आ. 1903 .—केंद्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अत: अब केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उपधारा (7) और उपधारा (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स निलकाथ स्केल, 3 शिवाजी नगर सावरकुन्डला-364515 (गुजरात) द्वारा विनिर्मित काउंटर मशीन के मॉडल का, जिसके ब्रांड का नाम "निलकाथ स्केल" है (जिसे इसमें उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी 09/2003/68 समनुदेशित किया गया है, अनुमोदन प्रमाणपत्र प्रकाशित करती है;

उक्त मॉडल (दी गई आकृति देखें) दण्ड के सिद्धांत पर कार्य करने वाली काउंटर मशीन है। इसकी अधिकतर क्षमता 10 कि. ग्रा. है;

और, केंद्रीय सरकार उक्त अधिनियम की धारा 36 की उपधारा (12) द्वारा प्रदत्त शक्तियों को प्रयोग करते हुए यह घोषणा करती है कि मॉडल के इस अनुमोदन प्रमाणपत्र के अंतर्गत, उसी शृंखला के उसी मेक, यथार्थता और कार्यपालन वाले ऐसे तोलन उपकरण भी होंगे जिनकी अधिकतम क्षमता 500 ग्राम से 50 कि. ग्रा. की रेंज में है और जिनका विनिर्माण उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन और उसी सामग्री से किया जाता है जिससे उक्त अनुमोदित मॉडल का विनिर्माण किया गया है।

[फा. सं. डब्ल्यू. एम. 21(134)/2001]

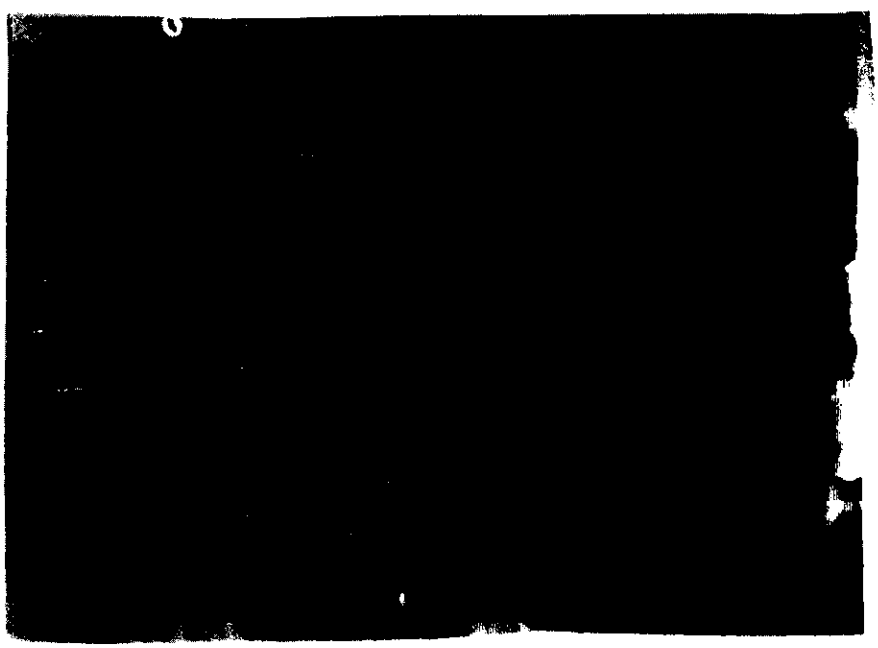
पी. ए. कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the 4th July, 2003

S.O. 1903 .— Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the Model described in the said report (See the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said Model is likely to maintain its accuracy over period of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by Sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the Model of counter machine (herein referred to as the said Model), with brand name ' NILKATH SCALE' manufactured by M/s. Nilkath Scale, 3 Shivaji Nagar, Savarkundla-364515 (Gujarat) and which is assigned the approval mark IND/09/2003/68;

The said Model (See the figure given below) is counter machine working on the principle of beam with maximum capacity of 10 kg.



Further, in exercise of the powers conferred by Sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instruments of similar make, accuracy and performance of same series with maximum capacity in the range of 500g to 50kg, manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which the said approved model has been manufactured.

[F. No. WM-21(134)/2001]

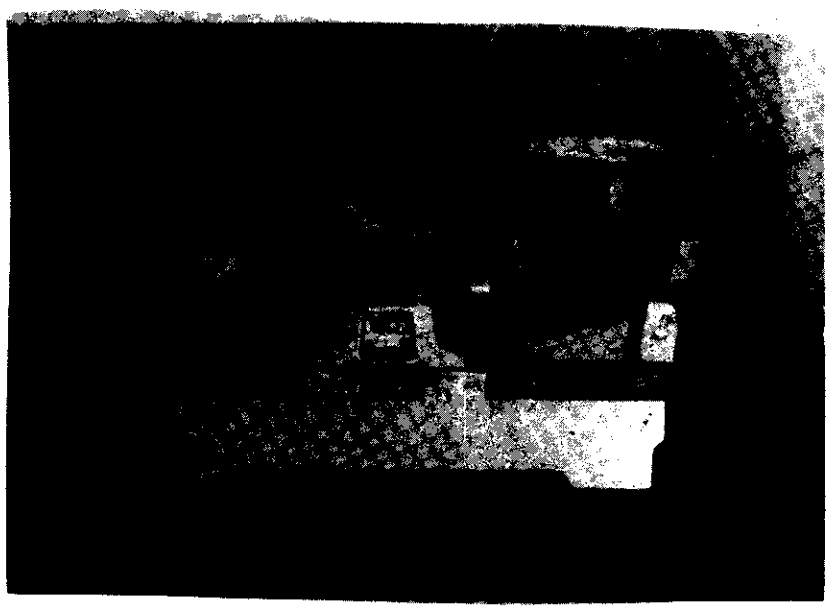
P.A. KRISHNAMOORTHY, Director of Legal Metrology

नई दिल्ली, 4 जुलाई, 2003

का.आ. 1904 .—केंद्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट तथा माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अत: अब केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उपधारा (7) और उपधारा (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स राठोड स्केल इंडस्ट्रीज, शिवाजी नगर, सावरकुण्डला-364515 (गुजरात) द्वारा विनिर्मित काउंटर मशीन के माडल का, जिसके ब्रांड का नाम "राठोड स्केल" है (जिसे इसमें उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी 09/2003/43 समनुदेशित किया गया है, अनुमोदन प्रमाणपत्र प्रकाशित करती है;

उक्त मॉडल (नीचे दी गई आकृति देखें) एक काउंटर मशीन है। इसकी अधिकतम क्षमता 10 कि. ग्रा. है;



और केंद्रीय सरकार उक्त अधिनियम की धारा 36 की उपधारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि मॉडल के इस अनुमोदन प्रमाणपत्र के अंतर्गत, उसी शृंखला के उसी मेक, यथार्थता और कार्यपालन वाले ऐसे तोलन उपकरण भी होंगे जिनकी अधिकतम क्षमता 500 ग्राम से 50 कि. ग्रा. की रेंज में है और जिनका विनिर्माण उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन और उसी सामग्री से किया जाता है जिससे उक्त अनुमोदित माडल का विनिर्माण किया गया है।

[फा.सं. डब्ल्यू. एम. 21(123)/2002]

पी. ए. कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the 4th July, 2003

S.O. 1904 .— Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the Model described in the said report (See the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said Model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by Sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the Model of counter machine (herein referred to as the said Model), with brand name 'Rathod Scale' manufactured by M/s. Rathod Scale Industries, Shivaji Nagar, Savarkundla-364515 (Gujarat) and which is assigned the approval mark IND/09/2003/43;

The said Model (See the figure given below) is counter machine with maximum capacity of 10 kg.

Further, in exercise of the power conferred by Sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the model shall also cover the weighing instruments of similar make, accuracy and performance of same series with maximum capacity in the range of 500g to 50kg, manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which the said approved model has been manufactured.

[F. No. WM-21(123)/2002]

P. A. KRISHNAMOORTHY, Director of Legal Metrology

नई दिल्ली, 4 जुलाई, 2003

का.आ. 1905.—केंद्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट तथा माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा।

अत:, अब, केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उपधारा (7) और उपधारा (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स लुहार दामजी पीताम्बर, शिवाजी नगर, स्ट्रीट नं० 2, सावरकुण्डला-364515 (गुजरात) द्वारा विनिर्मित काउंटर मशीन के माडल का, जिसके ब्रांड का नाम "एल दामजी पीताम्बर" है (जिसे इसमें उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/9/2003/89 समनुदेशित किया गया है अनुमोदन प्रमाण पत्र प्रकाशित करती है।

उक्त मॉडल (नीचे दी गई आकृति देखें) एक काउंटर मशीन है। इसकी अधिकत क्षमता 10 कि. ग्रा है।

और, केंद्रीय सरकार उक्त अधिनियम की धारा 36 की उपधारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के इस अनुमोदन प्रमाणपत्र के अंतर्गत, उसी श्रृंखला के उसी मेक, यथार्थता और कार्यपालन वाले ऐसे तोलन उपकरण भी होंगे जिनकी अधिकतम क्षमता 500 ग्राम से 50 कि. ग्रा. की रेंज में है और जिनका विनिर्माण उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन और उसी सामग्री से किया जाता है जिससे उक्त अनुमोदित माडल का विनिर्माण किया गया है।

[फा. सं. डब्ल्यू. एम. 21(135)/2001]

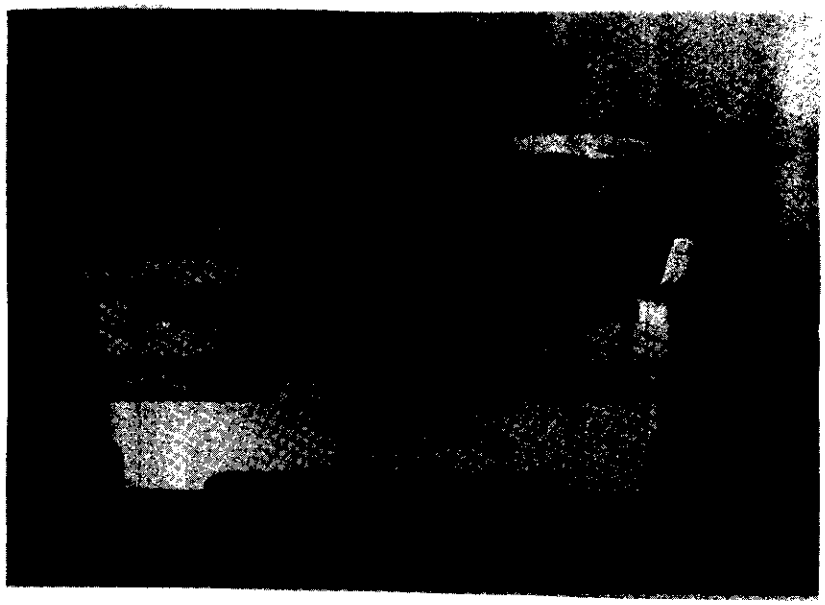
पी. ए. कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi , the 4th July, 2003

S.O. 1905.— Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the Models described in the said report (See the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said Model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions.

Now, therefore, in exercise of the powers conferred by Sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the Model of conuter machine (herein referred to as the said Model), with brand name 'L. Damji Pitamber' manufactured by M/s. Luhar Damji Pitamber, Shivaji Nagar, Street No. 2, Savarkundla-364515 (Gujarat) and which is assigned the approval mark IND/09/2003/89;

The said Model (see the figure given below) is a counter machine with maximum capacity of 10 kg.



Further, in exercise of the power conferred by Sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instruments of similar make, accuracy and performance of same series with maximum capacity in the range of 500g to 50 kg, manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved model has been manufactured.

[F. No. WM-21(135)/2001]

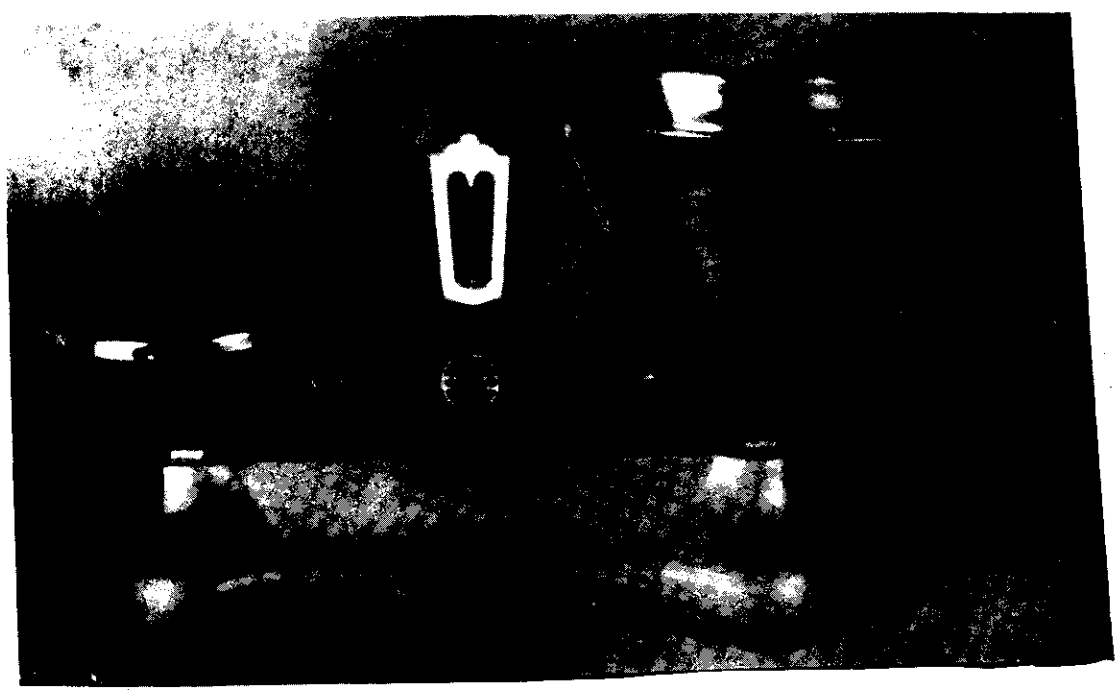
P. A. KRISHNAMOORTHY, Director of Legal Metrology

नई दिल्ली, 4 जुलाई, 2003

का.आ. 1906.—केंद्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट तथा माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा।

अतः अब केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उपधारा (7) और उप धारा (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स शिवा इंडस्ट्रीज, नं. 3, पार्वती नगर, वास्त्रल रोड, नियर महादेव नगर, अहमदाबाद (गुजरात) द्वारा विनिर्मित काउंटर मशीन के माडल का, जिसके ब्रांड का नाम "शिवा इंडस्ट्रीज" है (जिसे इसमें उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/2003/41 समनुदेशित किया गया है, अनुमोदन प्रमाणपत्र प्रकाशित करती है।

उक्त मॉडल (नीचे दी गई आकृति देखें) एक काउंटर मशीन है। इसकी अधिकतम क्षमता 10 कि. ग्रा. है।



और, केंद्रीय सरकार उक्त अधिनियम की धारा 36 की उपधारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के इस अनुमोदन प्रमाणपत्र के अंतर्गत, उसी श्रृंखला के उसी मेक, यथार्थता और कार्यपालन वाले ऐसे तोलन उपकरण भी होंगे जिनकी अधिकतम क्षमता 500 ग्राम से 50 कि. ग्रा. की रेंज में है और जिनका विनिर्माण उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन और उसी सामग्री से किया जाता है जिससे उक्त अनुमोदित मॉडल का विनिर्माण किया गया है।

[फा. सं. डब्ल्यू. एम. 21(59)/2002]

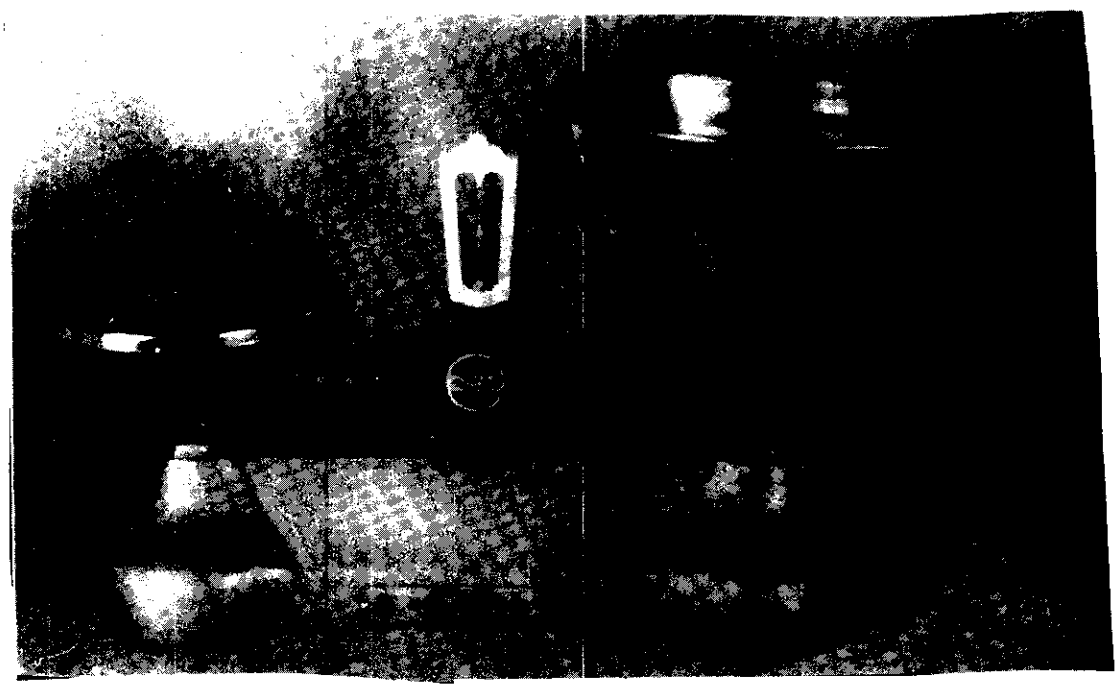
पी. ए. कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the 4th July, 2003

S.O. 1906 .— Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the Models described in the said report (See the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said Model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by Sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the Model of counter machine (hereinreferred to as the said Model), with brand name 'SHIVA INDUSTRIES' manufactured by M/s. Shiva Industries, No. 3, Parwati Nagar, Vastral Road, Near Mahadev Nagar, Ahmedabad (Gujarat) and which is assigned the approval mark IND/09/2003/41;

The said Model (see the figure given below) is a counter machine with maximum capacity of 10 kg.



Further, in exercise of the powers conferred by Sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instruments of similar make, accuracy and performance of same series with maximum capacity in the range of 500 g to 50 kg, manufactured by the same manufacturer in accordance with the same principal, design and with the same materials with which, the said approved model has been manufactured.

[F. No. WM-21(59)/2002]

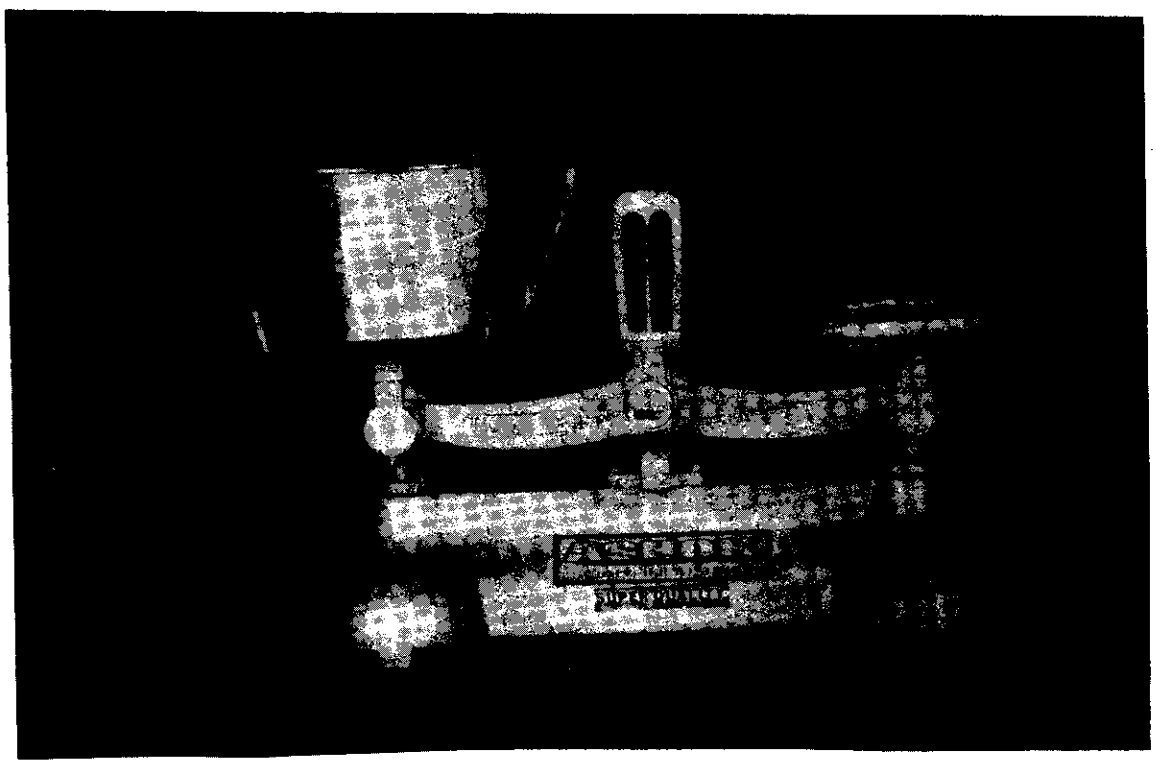
P. A. KRISHNAMOORTHY, Director of Legal Metrology

नई दिल्ली, 4 जुलाई, 2003

का.आ. 1907.—केंद्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट तथा माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अत: अब केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उपधारा (7) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स अशोक स्केल इंडस्ट्रीज, शॉप नं. 2, मनहर नगर, चार रास्ता, बापू नगर, अहमदाबाद, (गुजरात) द्वारा विनिर्मित काउंटर मशीन के मॉडल का, जिसके ब्रांड का नाम "अशोक" है (जिसे इसमें मॉडल कहा गया है)। और जिसे अनुमोदन चिह्न आई एन डी/09/2003/42 समनुदेशित किया गया है अनुमोदन प्रमाणपत्र प्रकाशित करती है;

उक्त मॉडल (आकृति देखें) एक "काउंटर मशीन" है। इसकी अधिकतम क्षमता 10 कि. ग्रा है।



और, केंद्रीय सरकार उक्त धारा की उपधारा (12) द्वारा प्रदत्त शक्तियों को प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के इस अनुमोदन प्रमाणपत्र के अंतर्गत, उसी शृंखला के उसी मेक, यथार्थता और का निपालन वाले ऐसे तोलन उपकरण भी होंगे जिनकी अधिकतम क्षमता 500 ग्राम से 50 कि. ग्रा. की रेंज में है और जिनका विनिर्माण उसी विनिर्माता द्वारा उसी सिद्धान्त, डिजाइन और उसी सामग्री से किया जाता है जिससे अनुमोदित मॉडल का विनिर्माण किया गया है।

[फा. सं. डब्ल्यू. एम. 21(60)/2002]

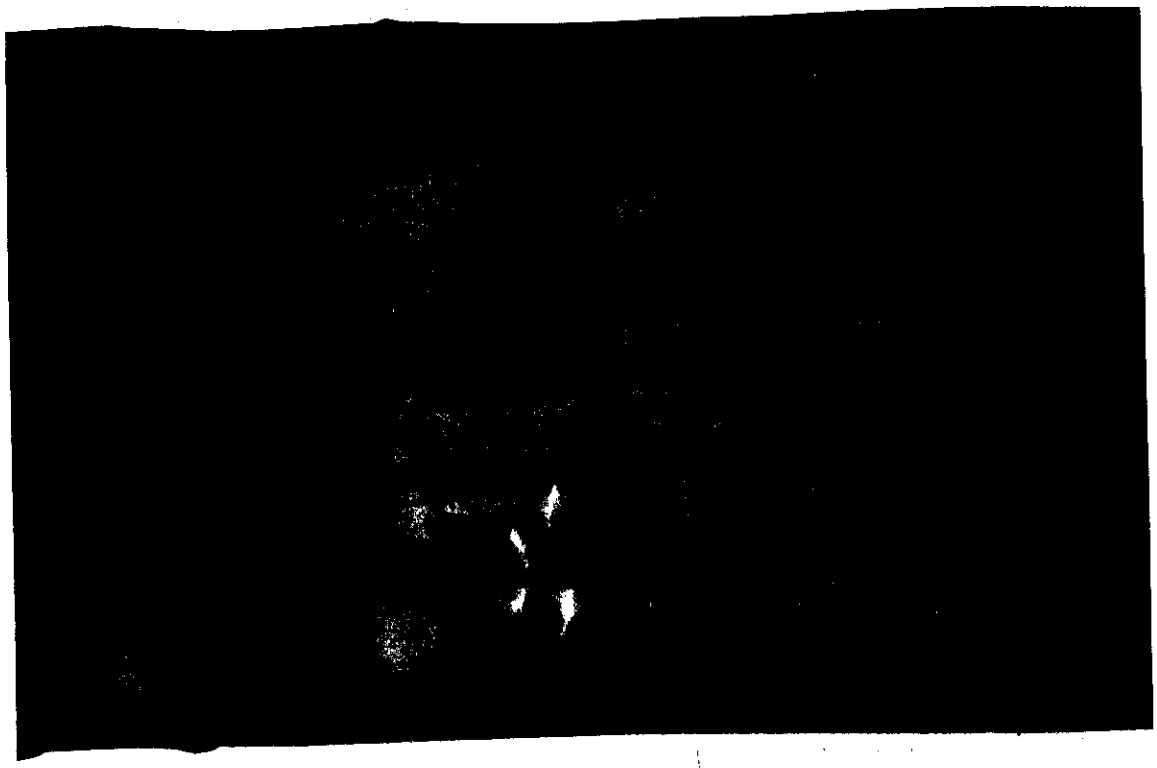
पी. ए. कृष्णा-मूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the 4th July, 2003

S.O. 1907 .— Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the Model described in the said report (See the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said Model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by Sub-section (7) of Section 36 of the said Act, the Central Government hereby publishes the certificate of approval of the Model of counter machine (herein refered to as the Model), with brand name 'ASHOK' manufactured by M/s. Ashok Scale Industries, Shop No. 2, Manhar Nagar, Char Rasta, Bapu Nagar, Ahmedabad (Gujarat) and which is assigned the approval mark IND/09/2003/42;

The said Model (see the figure) is "counter machine". The maximim capacity is 10kg.



Further, in exercise of the powers conferred by Sub-section (12) of the said section, the Central Government hereby declares that this certificate of approval of the said Model shall also cover the weighing instruments of similar make, accuracy and performance of same series with maximum capacity in the range of 500g to 50 kg, manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the approved model has been manufactured.

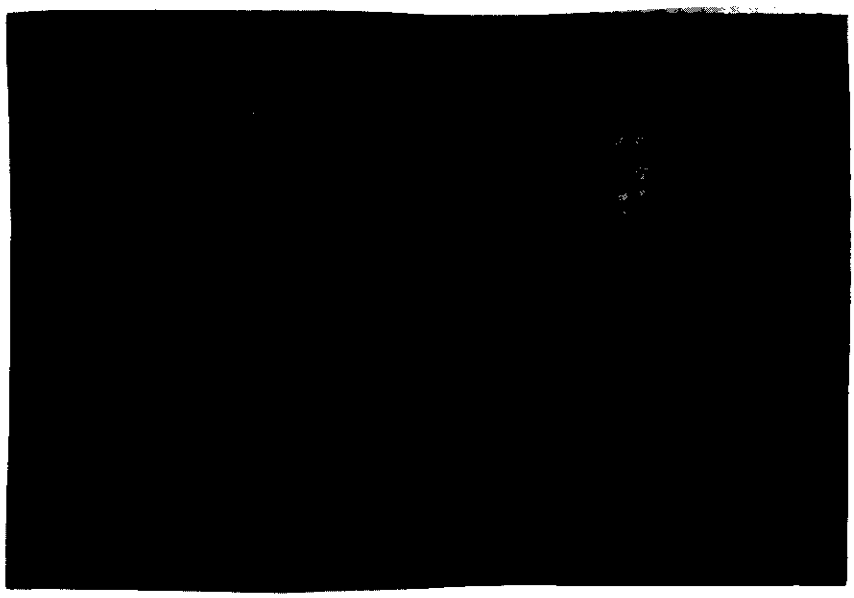
[F. No. WM-21(60)/2002]
P.A. KRISHNAMOORTHY, Director of Legal Metrology

नई दिल्ली, 4 जुलाई, 2003

का०आ० 1908 .—केंद्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात्, यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अत: अब केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उपधारा (7) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स रामेश्वर स्केल, रघुवंशी पारा, सावरकुण्डला-364515 (गुजरात) द्वारा विनिर्मित काउंटर मशीन के मॉडल का, जिसके ब्रांड का नाम "रामेश्वर" है (जिसे इसमें उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी 09/2003/25 समनुदेशित किया गया है, अनुमोदन प्रमाणपत्र प्रकाशित करती है;

उक्त मॉडल (आकृति देखें) एक "काउंटर मशीन" है। इसकी अधिकतम क्षमता 10 कि. ग्रा. है।



और, केन्द्रीय सरकार उक्त धारा की उपधारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के इस अनुमोदन प्रमाणपत्र के अंतर्गत, उसी शृंखला के उसी मेक, यथार्थता और कार्यपालन वाले ऐसे तोलन उपकरण भी होंगे जिनकी अधिकतम क्षमता 500 ग्राम से 50 कि. ग्रा. की रेंज में है और जिनका विनिर्माण उसी विनिर्माता द्वारा उसी सिद्धान्त, डिजाइन और सामग्री से किया जाता है जिससे उक्त अनुमोदित मॉडल का विनिर्माण किया गया है।

[फा०सं० डब्ल्यू. एम. 21(23)/2002]

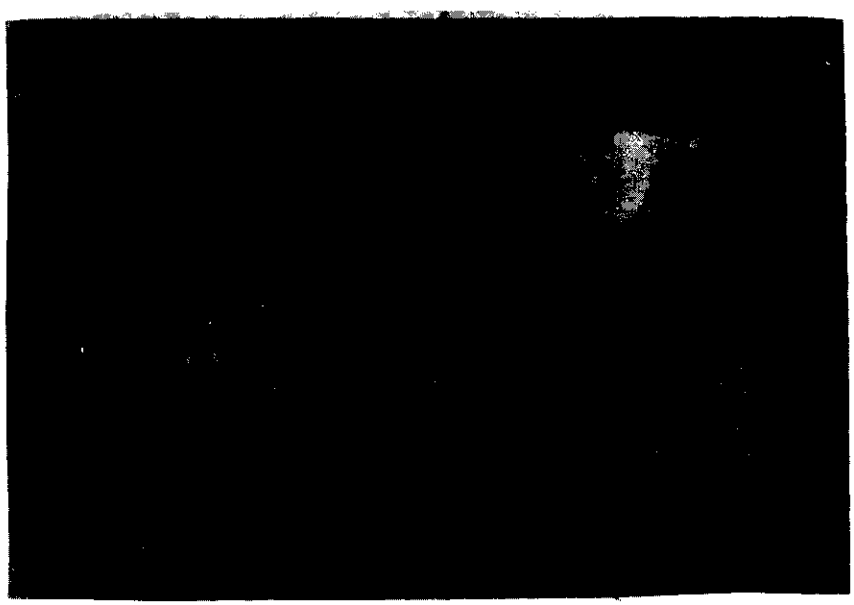
पी० ए० कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the 4th July, 2003

S.O. 1908 .— Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the Model described in the said report (See the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said Model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by Sub-section (7) of Section 36 of the said Act, the Central Government hereby publishes the certificate of approval of the Model of counter machine (herein refered to as the said Model), with brand name 'RAMESHWAR' manufactured by M/s. Rameshwar Scale, Raghuwanshi Para, Savarkundla-364515 (Gujarat) and which is assigned the approval mark IND/09/2003/25;

The said Model (see the figure) is "counter machine". The maximim capacity is 10kg.



Further, in exercise of the powers conferred by Sub-section (12) of the said section, the Central Government hereby declares that this certificate of approval of the said Model shall also cover the weighing instruments of similar make, accuracy and performance of same series with maximum capacity in the range of 500g to 50kg, manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved model has been manufactured.

[F. No. WM-21(23)/2002]

P. A. KRISHNAMOORTHY, Director of Legal Metrology

आदेश

नई दिल्ली, 4 जुलाई, 2003

का०आ० 1909.—केन्द्रीय सरकार, बाट और माप मानक (साधारण) नियम, 1987 के नियम 23 के साथ पठित, बाट और माप मानक अधिनियम, 1976 (1976 का 60) की धारा 22 के परन्तुक द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, इस आदेश के राजपत्र में प्रकाशन की तारीख से एक वर्ष की अवधि के लिए, मैसर्स सेलटर इंडिया प्राइवेट लिमिटेड, ए-67, माउंट कैलाश, नई दिल्ली-110065 को, अनन्य रूप से निर्यात प्रयोजनों के लिए, निम्नलिखित अमानक स्प्रिंग तुलाओं का विनिर्माण करने की अनुज्ञा देती है; अर्थात् :—

स्प्रिंग तुलाओं की क्षमता :—

(i)	1 न्यूटन	(ix)	4 एल बी
(ii)	10 न्यूटन	(x)	7 एल बी
(iii)	15 न्यूटन	(xi)	14 एल बी
(iv)	20 न्यूटन	(xii)	25 एल बी
(v)	25 न्यूटन	(xiii)	5 कि०ग्रा०/11 एल बी
(vi)	50 न्यूटन	(xiv)	10 कि०ग्रा० /22 एल बी
(vii)	100 न्यूटन	(xv)	20 कि०ग्रा०/44 एल बी
(viii)	200 न्यूटन	(xvi)	25 कि०ग्रा०/55 एल बी

यह अनुज्ञा निम्नलिखित निबंधनों तथा शर्तों के अधीन प्रदान की जाती है, अर्थात् :—

(1) ऊपर मद (i) से मद (xvi) तक में विनिर्दिष्ट कोई भी अमानक तुलाएं विनिर्माणकर्ता फर्म द्वारा किसी भी व्यक्ति अथवा अभिकरण को भारत के राज्य क्षेत्र के भीतर विक्रीत अथवा अन्यथा वितरित नहीं की जाएगी।

(2) विनिर्माणकर्ता फर्म कैलेण्डर वर्ष के अन्त में, उसके द्वारा विनिर्मित और निर्यात की गई अमानक तुलाओं की मात्रा और ऐसे व्यक्ति से संबंधित विशिष्टियां, जिसे ऐसा निर्यात किया गया है, से संबंधित एक विवरण केन्द्रीय सरकार को प्रस्तुत करेगी।

(3) विनिर्माणकर्ता फर्म उसके द्वारा विनिर्मित अमानक तुलाओं के विनिर्माण की संख्या तथा अमानक तुलाओं के स्टाक में या विनिर्माणाधीन अमानक तुलाओं की संख्या का मासिक अभिलेख रखेगी। इस प्रकार रखा गया अभिलेख केन्द्रीय सरकार द्वारा इस निमित्त प्राधिकृत अधिकारी द्वारा निरीक्षण के लिए खुला रहेगा।

[फा० सं० डब्ल्यू एम-20 (4) 2001]

सतवंत रेड्डी, अपर सचिव

ORDER

New Delhi, the 4th July, 2003

S. O. 1909—In exercise of the powers conferred by the proviso to Section 22 of the Standards of Weights and Measures Act, 1976 (60 of 1976) read with rule 23 the Standards of Weights and Measures (General) Rules, 1987, the Central Government hereby permits M/s. Salter India Private Limited, A-67, Mount Kailash, New Delhi-110065, to manufacture the following non-standard spring balances exclusively for export purposes for a period of one year from the date of publication of this Order in the Official Gazette, namely :—

Spring balance of capacity :—

(i)	1 Newton	(ix)	4 lb
(ii)	10 Newton	(x)	7 lb
(iii)	15 Newton	(xi)	14 lb
(iv)	20 Newton	(xii)	25 lb
(v)	25 Newton	(xiii)	5 kg/11 lb
(vi)	50 Newton	(xiv)	10 kg/22 lb
(vii)	100 Newton	(xv)	20 kg/44 lb
(viii)	200 Newton	(xvi)	25 kg/55 lb

This permission is granted subject to the following terms and conditions, namely :—

(1) No non-standard balances as specified in items (i) to (xvi) above shall be sold or otherwise distributed by the manufacturing firm to any person or agency within the territory of India.

(2) The manufacturing firm shall submit to the Central Government, at the end of the calendar year, a statement as to the quantity of the non-standard balances manufactured and exported by it and the particulars of the person to whom such export has been made;

(3) The manufacturing firm shall maintain a monthly record of the number of such non-standard balances manufactured by it and the number of non-standard balances in stock or under manufacture. The record so maintained shall be open to inspection by an officer authorized by the Central Government in this behalf.

[F. No. WM-20(4)/2001]

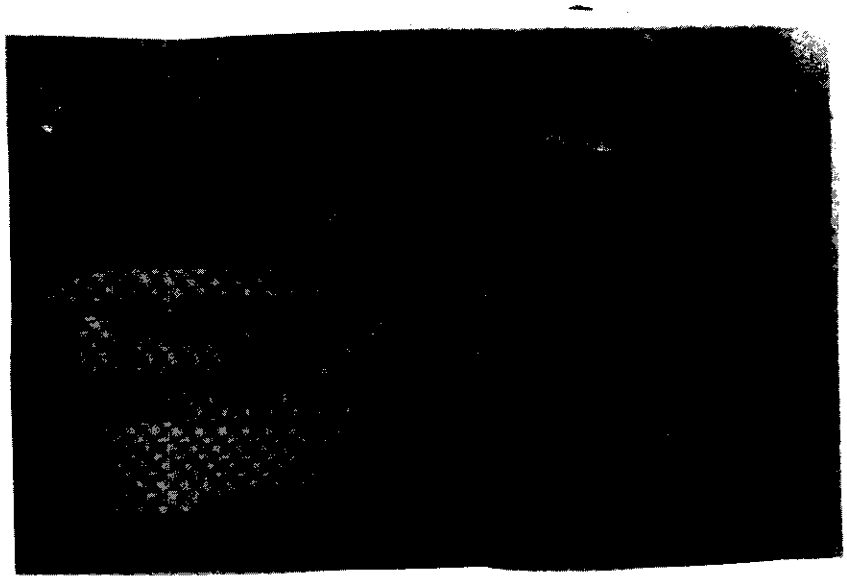
SATWANT REDDY, Addl. Secy.

नई दिल्ली, 4 जुलाई, 2003

का.आ. 1910.—केंद्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट तथा माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा।

अतः, अब केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उपधारा (7) और उपधारा (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स स्टैण्डर्ड इन्डस्ट्रीज, डेवला गेट, सावरकुण्डला-364515 (गुजरात) द्वारा विनिर्मित काउंटर मशीन के माडल का, जिसके ब्रांड का नाम "स्टैण्डर्ड स्टील" है (जिसे इसमें मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/2003/35 समनुदेशित किया गया है, अनुमोदन प्रमाणपत्र प्रकाशित करती है।

उक्त मॉडल (नीचे दी गई आकृति देखें) एक "काउंटर मशीन" है। इसकी अधिकतम क्षमता 10 कि. ग्रा. है।



और, केन्द्रीय सरकार अधिनियम की धारा 36 की उपधारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि मॉडल के इस अनुमोदन प्रमाणपत्र के अंतर्गत, उसी श्रृंखला के उसी मेक, यथार्थता और कार्यपालन वाले ऐसे तोलन उपकरण भी होंगे जिनकी अधिकतम क्षमता 500 ग्राम से 50 कि. ग्रा. की रेंज में है और जिसका विनिर्माण उसी विनिर्माता द्वारा उसी सिद्धान्त, डिजाइन और उसी सामग्री से किया जाता है जिससे अनुमोदित मॉडल का विनिर्माण किया गया है।

[फा. सं. डब्ल्यू एम-21(185)/2001]

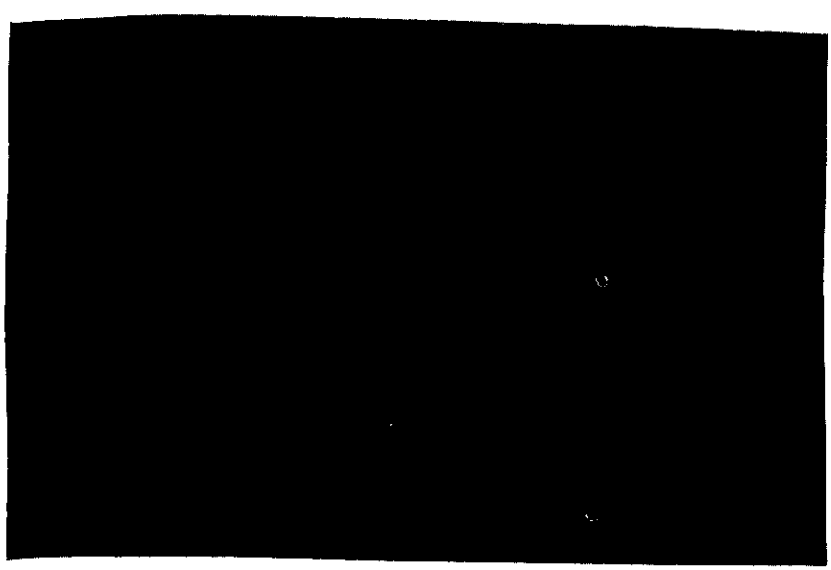
पी. ए. कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the 4th July, 2003

S.O. 1910 .— Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the Models described in the said report (See the figure given below) is in conformity with the provisions of the standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said Model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by Sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the Model of counter machine (herein referred to as the said Model), with brand name 'STANDARD STEEL' manufactured by M/s.Standard Industries, Devla Gate, Savarkundla-364515 (Gujarat) and which is assigned the approval mark IND/09/2003/35;

The said Model (see the figure given below) is a counter machine with a maximum capacity of 10kg.



Further, in exercise of the powers conferred by Sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said Model shall also cover the weighing instruments of similar make, accuracy and performance of same series with maximum capacity in the range of 500g to 50 kg, manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved model has been manufactured.

[F. No. WM-21(185)/2001]

P. A. KRISHNAMOORTHY, Director of Legal Metrology

नई दिल्ली, 4 जुलाई, 2003

का.आ. 1911.—केंद्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट तथा माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा।

अतः, अब केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उपधारा (7) और उपधारा (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स लुहार गोविन्द वीरा, मानी भाई रोड, सावरकुण्डला-364515 (गुजरात) द्वारा विनिर्मित काउंटर मशीन के माडल का, जिसके ब्रांड का नाम "लुहार गोविन्द वीरा" है (जिसे इसमें उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी 09/2003/37 समनुदेशित किया गया है अनुमोदन प्रमाणपत्र प्रकाशित करती है।

उक्त मॉडल (नीचे दी गई आकृति देखें) एक काउंटर मशीन है। इसकी अधिकतम क्षमता 10 कि. ग्रा. है।

और, केन्द्रीय सरकार अधिनियम की धारा 36 की उपधारा (12) द्वारा प्रदत्त शक्तियों को प्रयोग करते हुए यह घोषणा करती है कि मॉडल के इस अनुमोदन प्रमाणपत्र के अंतर्गत, उसी शृंखला के उसी मेक, यथार्थता और कार्यपालन वाले ऐसे तोलन उपकरण भी होंगे जिनकी अधिकतम क्षमता 500 ग्राम से 50 कि. ग्रा. की रेंज में है और जिनका विनिर्माण उसी विनिर्माता द्वारा उसी सिद्धान्त, डिजाइन और उसी सामग्री से किया जाता है जिसमें अनुमोदित मॉडल का विनिर्माण किया गया है।

[फा. सं. डब्ल्यू एम-21(238)/2001]

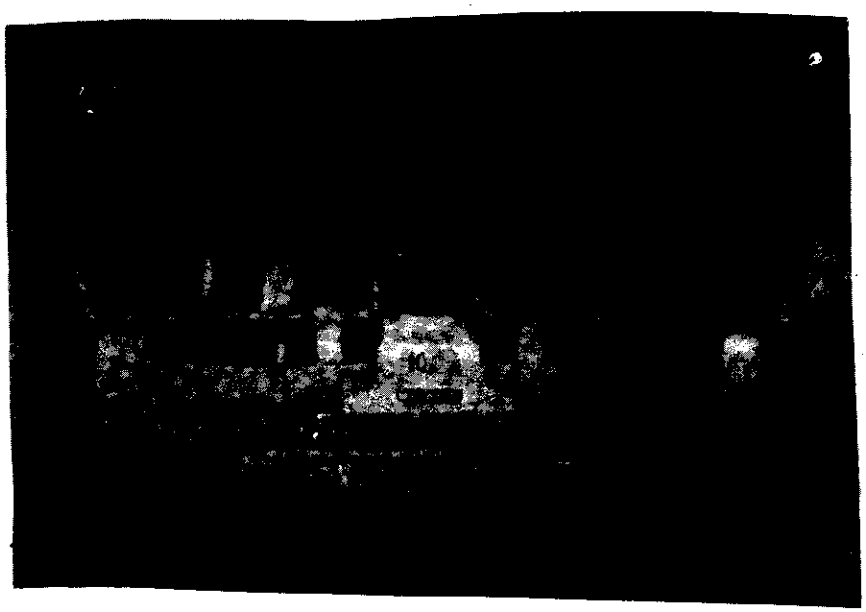
पी. ए. कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi , the 4th July, 2003

S.O. 1911.— Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the Model described in the said report (See the figure given below) is in conformity with the provisions of the standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said Model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by Sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the Model of Counter Machine (herein refered to as the said Model), with brand name 'Luhar Govind Vira' manufactured by M/s. Luhar Govind Vira, Manibhai Road, Savarkundla-364515 (Gujarat) and which is assigned the approval mark IND/09/2003/37;

The said Model (see the figure given below) is a Counter Machine the maximum capacity of 10kg.



Further, in exercise of the powers conferred by Sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said Model shall also cover the weighing instruments of similar make, accuracy and performance of same series with maximum capacity in the range of 500g to 50 kg, manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved model has been manufactured.

[F. No. WM-21(238)/2001]

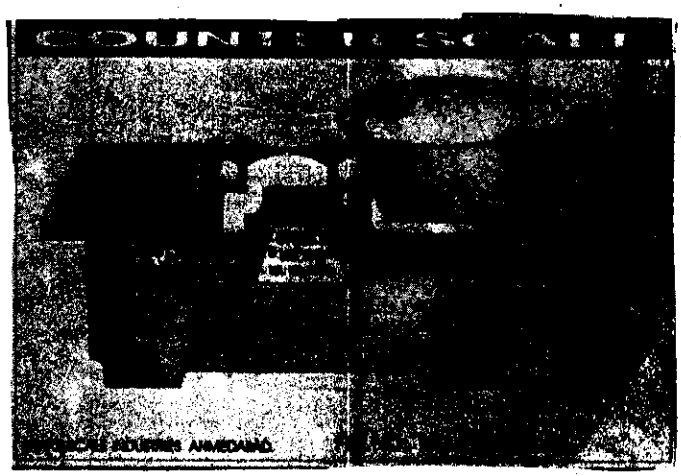
P. A. KRISHNAMOORTHY, Director of Legal Metrology

नई दिल्ली, 4 जुलाई, 2003

का.आ. 1912 .—केंद्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट तथा माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अत: अब केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उपधारा (7) और उपधारा (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स शक्ति स्केल इंडस्ट्रीज नं. 8-ए, अम्बिका एस्टेट, नागर बेल हनुमान रोड, शुखरायपुरा, पोस्ट आफिस, राखिआल, अहमदाबाद (गुजरात) द्वारा विनिर्मित काउंटर मशीन के मॉडल का, जिसके ब्रांड का नाम "शक्ति" है (जिसे इसमें उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/2003/40 समनुदेशित किया गया है, अनुमोदन प्रमाणपत्र प्रकाशित करती है;

उक्त मॉडल (नीचे दी गई आकृति देखें) एक काउंटर मशीन है। इसकी अधिकतम क्षमता 10 कि. ग्रा. है।



और, केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उपधारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के इस अनुमोदन प्रमाणपत्र के अंतर्गत, उसी शृंखला के उसी मेक, यथार्थता और कार्यपालन वाले ऐसे तोलन उपकरण भी होंगे जिनकी अधिकतम क्षमता 500 ग्राम से 50 कि. ग्रा. की रेंज में है और जिनका विनिर्माण उसी विनिर्माता द्वारा उसी सिद्धान्त, डिजाइन और उसी सामग्री से किया जाता है जिससे उक्त अनुमोदित मॉडल का विनिर्माण किया गया है।

[फा. सं. डब्ल्यू. एम. 21(53)/2002]

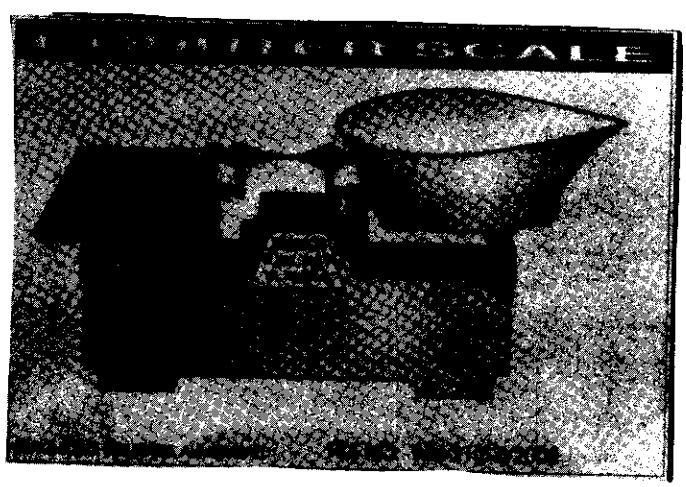
पी. ए. कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the 4th July, 2003

S.O. 1912 .— Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the Models described in the said report (See the figure given below) is in conformity with the provisions of the standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said Model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by Sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the Model of counter machine (herein referred to as the said Model), with brand name 'SHAKTI' manufactured by M/s. Shakti Scale Industries, No. 8-A, Ambika Estate, Nagarvel Hanuman Road, Shukhrampura Post Office, Rakhial, Ahmedabad (Gujarat) and which is assigned the approval mark IND/09/2003/40;

The said Model (see the figure given below) is a counter machine with maximum capacity of 10kg.



Further, in exercise of the powers conferred by Sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said Model shall also cover the weighing instruments of similar make, accuracy and performance of same series with maximum capacity in the range of 500g to 50 kg, manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved model has been manufactured.

[F. No. WM-21(53)/2002]

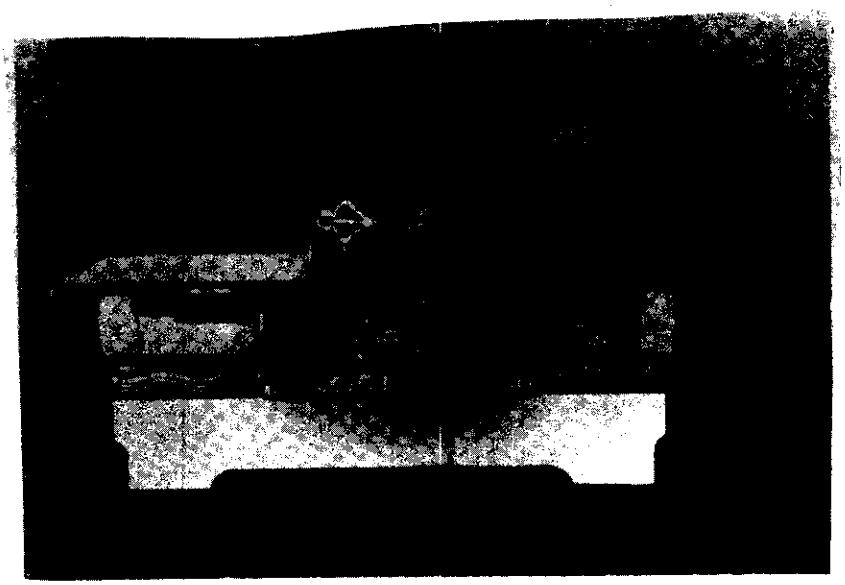
P. A. KRISHNAMOORTHY, Director of Legal Metrology

नई दिल्ली, 4 जुलाई, 2003

का.आ. 1913.—केंद्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट तथा माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उपधारा (7) और उपधारा (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स बल्लभ भाई बी डोडिया, शिवाजी नगर, गली नं. 7, सावरकुन्डला-364515 (गुजरात) द्वारा विनिर्मित काउंटर मशीन के मॉडल का, जिसके ब्रांड का नाम "कोनिक" है (जिसे इसमें मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी 09/2003/51 समनुदेशित किया गया है अनुमोदन प्रमाणपत्र प्रकाशित करती है।

उक्त माडल (नीचे दी गई आकृति देखें) एक काउटर मशीन है। इसकी अधिकतम क्षमता 10 कि. ग्रा. है।



और, केन्द्रीय सरकार अधिनियम की धारा 36 की उपधारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि मॉडल के इस अनुमोदन प्रमाणपत्र के अंतर्गत, उसी शृंखला के उसी मेक, यथार्थता और कार्यपालन वाले ऐसे तोलन उपकरण भी होंगे जिनकी अधिकतम क्षमता 500 ग्राम से 50 कि. ग्रा. की रेंज में है और जिनका विनिर्माण उसी विनिर्माता द्वारा उसी सिद्धान्त डिजाइन और सामग्री से किया जाता है जिससे अनुमोदित मॉडल का विनिर्माण किया गया है।

[फा. सं. डब्ल्यू. एम. 21(333)/2001]

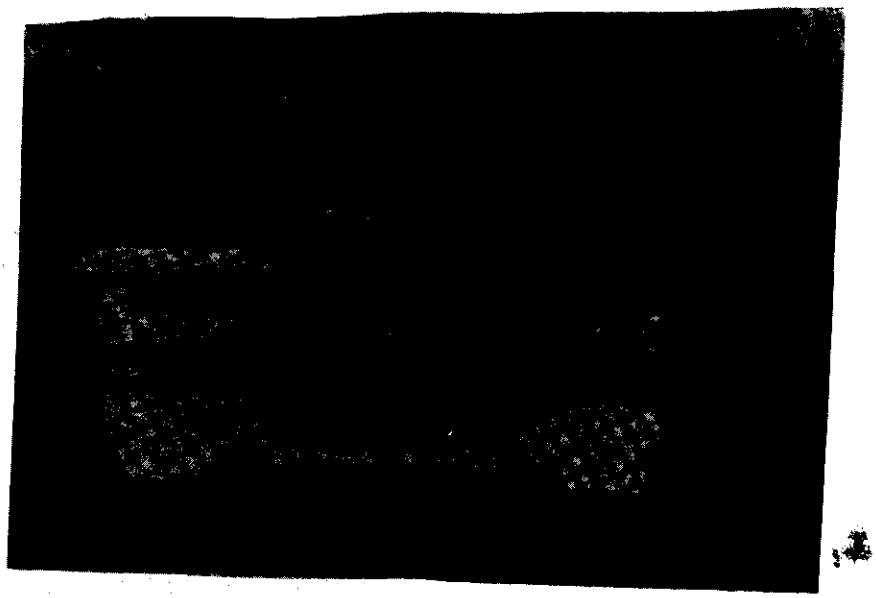
पी. ए. कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi. the 4th July, 2003

S.O. 1913 .— Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the Models described in the said report (See the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said Model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions.

Now, therefore, in exercise of the powers conferred by Sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the Model of counter machine with brand name 'KONIKA' (herein referred to as the model), manufactured by M/s. Vallabhbhai B, Dodia, Shivaji Nagar, Street No. 7, Savarkundla-364515 (Gujarat) and which is assigned the approval mark IND/09/2003/51;

The said model (See the figure given below) is a counter machine with maximum capacity of 10 kg.



Further, in exercise of the powers conferred by Sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the Model shall also cover the weighing instruments of similar make, accuracy and performance of same series with maximum capacity in the range of 500 g. to 50 kg. manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved model has been manufactured.

[F. No. WM-21(333)/2001]

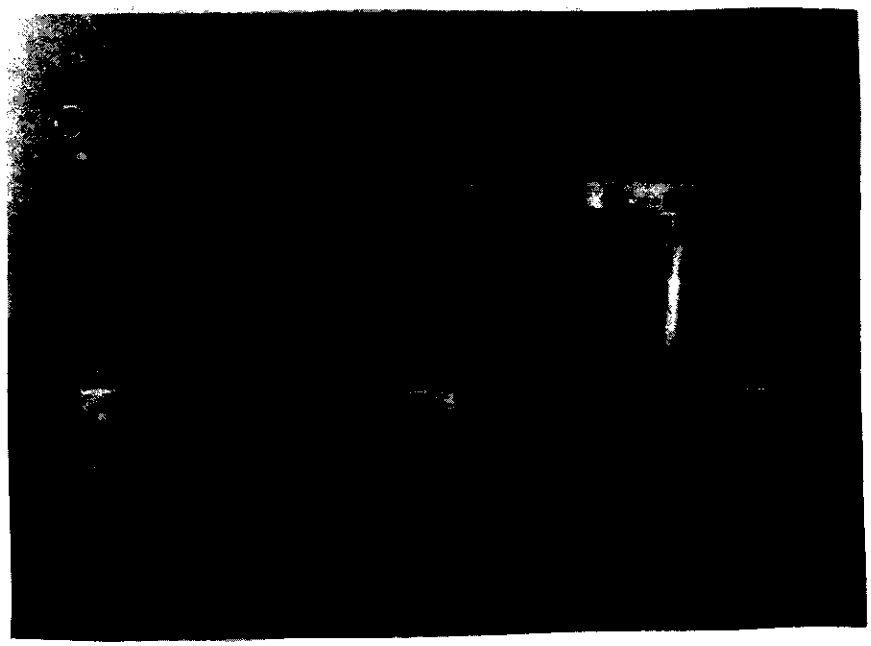
P. A. KRISHNAMOORTHY, Director of Legal Metrology

नई दिल्ली, 4 जुलाई, 2003

का.आ. 1914.—केंद्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट तथा माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उपधारा (7) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स इलाइट इलैक्ट्रानिक्स, शिवाजी नगर, पटेल वाडी के पास, सावरकुण्डला-364515 (गुजरात) द्वारा विनिर्मित काउंटर मशीन के मॉडल का, जिसके ब्रांड का नाम "इलाइट" है (जिसे इसमें मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी 09/2003/27 समनुदेशित किया गया है अनुमोदन प्रमाणपत्र प्रकाशित करती है;

उक्त मॉडल (नीचे दी गई आकृति देखें) एक "काउंटर मशीन" है। इसकी अधिकतम क्षमता 10 कि. ग्रा. है।



और, केन्द्रीय सरकार उक्त धारा की उपधारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि मॉडल के इस अनुमोदन प्रमाणपत्र के अंतर्गत, उसी शृंखला के उसी मेक, यथार्थता और कार्यपालन वाले ऐसे तोलन उपकरण भी होंगे जिनकी अधिकतम क्षमता 500 ग्राम से 50 कि. ग्रा. तक है और जिनका विनिर्माण उसी विनिर्माता द्वारा उसी सिद्धान्त डिजाइन और उसी सामग्री से किया जाता है जिससे उक्त अनुमोदित मॉडल का विनिर्माण किया गया है।

[फा. सं. डब्ल्यू. एम. 21(30)/2002]

पी. ए. कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the 4th July, 2003

S.O. 1914 .— Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the Model described in the said report (See the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said Model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by Sub-section (7) of Section 36 of the said Acl, the Central Government hereby publishes the certificate of approval of the Model of counter machine (herein referred to as the Model), with brand name 'ELİTE' manufactured by M/s. Elite Electronics, Shivaji Nagar, Near Patel Wadi, Savarkundla-364515 (Gujarat) and which is assigned the approval mark IND/09/2003/27;

The said Model (See the figure given below) is counter machine with a maximum capacity of 10 kg.

Further, in exercise of the powers conferred by Sub-section (12) of the said section, the Central Government hereby declares that this certificate of approval of the Model shall also cover the weighing instruments of similar make, accuracy and performance of same series with maximum capacity from 500 g. up to 50 kg. manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the approved model has been manufactured.

[F. No. WM-21(30)/2002]

P. A. KRISHNAMOORTHY, Director of Legal Metrology

नई दिल्ली, 30 जून, 2003

का. आ. 1915.—केंद्रीय सरकार राजभाषा (संघ के शासकीय प्रयोजनों के लिए प्रयोग) नियम, 1976 के नियम 10 के उप नियम (4) के अनुसरण में उपभोक्ता मामले, खाद्य और सार्वजनिक वितरण मंत्रालय (खाद्य और सार्वजनिक वितरण विभाग) के प्रशासनिक नियंत्रणाधीन भारतीय खाद्य निगम के निम्नलिखित कार्यालय, जिनके 80 प्रतिशत से अधिक कर्मचारीवृन्द ने हिन्दी का कार्यसाधक ज्ञान प्राप्त कर लिया है, को अधिसूचित करती है :—

1. भारतीय खाद्य निगम,
   जिला कार्यालय, शक्ति नगर,
   दिल्ली-110007

[सं. ई-11011/1/2001-हिन्दी]

रजनी राज़दान, संयुक्त सचिव

New Delhi, the 30th June, 2003

S.O. 1915.— In pursuance of Sub-rule (4) of rule 10 of the Official Language (use for official purpose of the Union) Rules, 1976 the Central Government hereby notifies the following offices of Food Corporation of India under the administrative control of the Ministry of Consumer Affairs, Food & Public Distribution (Deptt. of Food & Public Distribution), where of more than 80% of staff have acquired the working knowledge of Hindi :—

1. Food Corporation of India,
   District Office,
   Shakti Nagar, Delhi-110007

[No. E-11011/1/2001-Hindi]

RAJNI RAZDAN, Jt. Secy.

पैट्रोलियम और प्राकृतिक गैस मंत्रालय

नई दिल्ली, 30 जून, 2003

का. आ. 1916.—केंद्रीय सरकार ने पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) के अधीन भारत सरकार के पेट्रोलियम एवं प्राकृतिक गैस मंत्रालय की अधिसूचना सं.का.आ. 2686 तारीख 12 नवंबर, 2000 द्वारा पाइपलाइन बिछाने के प्रयोजन के लिए उस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमि में उपयोग के अधिकार का अर्जन करने के अपने आशय की घोषणा की थी,

और सक्षम प्राधिकारी ने उक्त अधिनियम की धारा 6 की उपधारा (1) के अधीन सरकार को अपनी रिपोर्ट दे दी है,

और केन्द्रीय सरकार ने उक्त रिपोर्ट पर विचार करने के पश्चात् इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमि में उपयोग के अधिकार का अर्जन करने का विनिश्चय किया है,

अतः, अब, केन्द्रीय सरकार अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त शक्ति का प्रयोग करते हुए घोषणा करती है कि पाइपलाइन बिछाने के प्रयोजन के लिए इस अधिसूचना में संलग्न अनुसूची में विनिर्दिष्ट उक्त भूमि में उपयोग के अधिकार का अर्जन किया जाता है।

और केन्द्रीय सरकार उस धारा की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए निर्देश देती है कि उक्त भूमि में उपयोग का अधिकार इस घोषणा के प्रकाशन की तारीख से केन्द्रीय सरकार में निहित होने के बजाय, सभी विल्लंगमों से मुक्त, असम गैस कंपनी लि. में होगा।

भूमि अनुसूची

नाहरकटिया से हिन्दुस्तान फर्टिलाईजर कोरपोरेशन, नामरूप फेक्ट्री तक 400 एम.एम.ओ.डी. भूमि तटस्थ पाईपलाइन बिछाना।

राज्य—असम जिला—डिब्रूगढ़ तहसील—जयपुर

क्रम नंबर	गांव	तालुक पाटा नं.	दाग नं.	एरिया			मन्तव्य
				बि.	क.	ल.	
1	2	3	4	5	6	7	8
01.	टिपलिंग बंढारी	सरकार	483	0	0	15	
		सरकार	378	0	4	1	
		मियादी नं. 124	377	0	0	5	

1	2	3	4	5	6	7	8
टिपलिंग बंढ़ारी (जारी)		मियादी नं. 145	365	0	2	15	
		मियादी नं. 32	366	0	0	7	
		मियादी नं. 71	368	0	1	13	
		मियादी नं. 124	353	0	3	8	
		मियादी नं. 71	351	0	1	8	
		मियादी नं. 34	506	0	1	8	
		मियादी नं. 73	349	1	0	17	
		मियादी नं. 55	350	0	0	5	
		सरकार	348	0	0	7	
		मियादी नं. 6	299	0	0	5	
		मियादी नं. 103	300	0	3	17	
		मियादी नं. 37	301	0	2	8	
		मियादी नं. 1	303	0	0	7	
		मियादी नं. 77	281	0	0	9	
		मियादी नं. 70	280	0	4	10	
		मियादी नं. 98	249	0	1	15	
		मियादी नं. 110	275	0	3	15	
		मियादी नं. 13	274	0	0	17	
		मियादी नं. 23	279	0	0	5	
		मियादी नं. 98	253	0	2	12	
		मियादी नं. 1	305	0	0	7	
		मियादी नं. 61	304	0	0	5	
		मियादी नं. 37	282	0	1	19	
			कुल क्षेत्र	9	1	0	
02.	हजुआ पथार गाँव	सरकार	17	9	4	0	
		सरकार	18	0	0	6	
		सरकार	19	11	3	15	
		सरकार	20	0	0	17	
		सरकार	24	0	1	9	
		सरकार	21	0	3	13	
			कुल क्षेत्र	22	4	0	
03.	नौगाँव ढाढुमिया	मियादी नं. 99	65	0	0	18	
		मियादी नं. 33	64	0	0	18	
		एकसना	133	0	0	9	
		सरकार	134	0	0	3	
		मियादी नं. 22	139	0	0	5	
		मियादी नं. 18	137	0	0	14	
		सरकार	138	2	3	10	

1	2	3	4	5	6	7	8
03.	नौगाँव ढादूमिया (जारी)	सरकार	61	0	1	7	
		मियादी नं. 60	158	0	1	17	
		मियादी नं. 78	159	0	0	12	
		मियादी नं. 46	160	0	0	6	
		सरकार	163	0	3	0	
		सरकार	165	0	2	1	
		मियादी नं. 26	201	0	0	3	
		मियादी नं. 38	66	0	0	6	
		मियादी नं. 94	67	0	0	18	
		मियादी नं. 100	60	0	1	14	
		मियादी नं. 76	57	0	0	6	
		मियादी नं. 76	58	0	0	11	
		सरकार	164	5	2	6	
			कुल क्षेत्र	11	1	14	
04.	नाहरकटिया शहर	सरकार	41	1	1	4	
	पाचवाँ हिस्सा	सरकार	40	0	4	10	
		सरकार	109	5	3	0	
		सरकार	108	9	3	14	
		सरकार	107	3	1	4	
		मियादी नं. 1	37	1	0	6.5	
		मियादी नं. 1	43	0	0	17	
		मियादी नं. 1	63	0	0	19	
		मियादी नं. 57	44	0	0	10	
		मियादी नं. 57	53	0	0	7.5	
		मियादी नं.52	54	0	0	3	
		मियादी नं. 8	55	0	0	3	
		मियादी नं. 9	58	0	0	3	
		सरकार	49	0	0	2	
		मियादी नं. 31	59	0	0	10.5	
		मियादी नं. 61	62	0	0	10	
		मियादी नं. 70	68	0	0	11	
		मियादी नं. 70	69	0	0	4.5	
		मियादी नं. 35	70	0	0	10	
		मियादी नं. 58	71	0	0	18.50	
		मियादी नं. 98	80	0	0	1.5	
		मियादी नं. 126	94	0	0	19.50	
		मियादी नं. 122	96	0	0	9	

1	2	3	4	5	6	7	8
04.	नाहरकटिया शहर	मियादी नं. 10	97	0	0	10.5	
	पाचवाँ हिस्सा	मियादी नं. 10	102	0	1	6	
		मियादी नं. 10	103	0	0	4.50	
		टी.पी.पी.नं.1.	134	0	3	16	
		टी.पी.पी.नं.1	104	0	0	1.50	
		टी.पी.पी.नं.1	105	0	2	5	
		मियादी नं. 1	112	0	0	01	
		सरकार	95	1	2	10	
			कुल क्षेत्र	26	3	1	
05.	लेंगरिजान टी. ईस्टेट.	खेराज मियादी	60	0	4	18	
	जोरहाट टी. कं. लि.	चाय मियादी	25	0	1	13	
	आवेदन नं 40	चाय मियादी	28	3	3	3	
	1909-10	खेराज मियादी	16	1	3	12	
		खेराज मियादी	59	1	4	3	
		चाय मियादी	83	10	2	5	
		चाय मियादी	69	0	0	7	
		चाय मियादी	68	0	2	0	
		चाय मियादी	91	0	2	13	
		चाय मियादी	90	0	0	6	
		चाय मियादी	80	2	1	7	
		चाय मियादी	94	0	4	16	
		सरकार	120	0	2	6	
		सरकार	119	0	0	11	
		सरकार	118	0	0	17	
		सरकार	167	0	0	7	
		सरकार	116	0	0	6	
		सरकार	115	0	0	10	
		सरकार	114	0	0	7	
		सरकार	113	0	0	2	
		सरकार	112	0	0	6	
		सरकार	111	0	0	6	
		सरकार	110	0	0	6	
		सरकार	109	0	0	6	
		सरकार	108	0	0	7	

1	2	3	4	5	6	7	8
05.	लेंगरिजान टी. ईस्टेट,	सरकार	107	0	0	6	
	जोरहाट टी० के० लि०	सरकार	106	0	0	7	
	आवेदन नं० 40	सरकार	105	0	0	10	
	1909-10-(जारी).	चाय मियादी	123	0	0	10	
		सरकार	125	0	0	11	
		सरकार	126	0	0	6	
		सरकार	127	0	0	7	
		सरकार	128	0	0	6	
		सरकार	129	0	0	7	
		सरकार	130	0	0	11	
		सरकार	131	0	0	10	
		सरकार	132	0	0	16	
		सरकार	133	0	0	6	
		सरकार	134	0	0	7	
		सरकार	135	0	0	7	
		सरकार	136	0	0	7	
		सरकार	137	0	0	10	
			कुल क्षेत्र	26	0	4	
06.	बालीजान माझी गाँव	मियादी नं.7	63	0	0	9	
		एकसना	64	0	1	5	
		एकसाना	65	2	3	11	
		सरकार	106	0	1	9	
		मियादी नं. 50	117	0	1	7	
		एकसना	121	0	1	1	
		मियादी नं. 14	122	0	0	16	
		मियादी नं. 21	136	0	1	10	
		सरकार	138	4	1	5	
		सरकार	137	0	0	1	
		मियादी नं. 9	139	0	0	5	
		मियादी नं. 23	140	0	0	4	
		मियादी नं. 27	141	0	0	5	
		मियादी नं. 31	142	0	0	5	
		मियादी नं. 16	143	0	0	6	
		मियादी नं. 44	146	0	0	16	
		मियादी नं. 38	144	0	0	4	
		मियादी नं. 2	145	0	0	14	
			कुल क्षेत्र	9	0	4	

1	2	3	4	5	6	7	8
07.	2 नं० बालीजान गांव	सरकार	82	0	3	10	
		मियादी नं. 63	84	0	3	4	
		मियादी नं. 2	85	0	0	9	
		मियादी नं. 11	86	0	0	18	
		मियादी नं. 35	87	0	0	2	
		मियादी नं. 1	73	0	0	9	
		मियादी नं. 1	74	0	1	19	
		मियादी नं. 34	75	0	2	15	
		मियादी नं. 37	76	3	3	2	
		सरकार	78	0	0	2	
		मियादी नं. 26	72	0	0	2	
		सरकार	19	0	2	6	
		मियादी नं. 1	126	0	0	2	
		मियादी नं. 32	129	0	2	4	
		मियादी नं. 18	130	0	0	7	
		मियादी नं. 29	131	0	4	19	
		मियादी नं. 14	132	0	3	2	
		मियादी नं. 60	162	0	0	4	
		सरकार	164	0	0	2	
		सरकार	95	0	1	9	
			कुल क्षेत्र	6	1	7	
08.	बोर खेरेमिया गेलागुरी गांव	मियादी नं. 20	64	0	1	2	
		मियादी नं. 33	65	0	2	6	
		मियादी नं. 44	66	0	0	13	
		मियादी नं. 37	67	0	0	6	
		मियादी नं. 37	70	0	0	13	
		मियादी नं. 32	70	0	0	12	
		सरकार	72	3	2	16	
		मियादी नं. 45	73	0	0	11	
		मियादी नं. 20	74	0	0	12	
		एकसना	78	0	0	11	
		मियादी नं. 43	79	0	0	18	
		मियादी नं. 43	80	0	0	8	
		मियादी नं. 21	82	0	0	2	
		मियादी नं. 13	85	0	0	17	

1	2	3	4	5	6	7	8
08.	बोर खेरेमिया गेलागुरी गांव—(जारी)	मियादी नं. 17	127	0	1	1	
		सरकार	9	—	—	18	
		मियादी नं. 22	128	0	0	12	
		मियादी नं. 27	121	0	0	9	
		सरकार	146	0	1	6	
			कुल क्षेत्र	6	1	13	
09.	नं. 2 बोर खेरेमिया गाँव प्रथम खण्ड	मियादी नं. 10	1	0	0	12	
		एकसना	4	0	1	1	
		मियादी नं. 60	5	0	0	17	
		मियादी नं. 13	8	0	0	17	
		एकसना	9	0	0	16	
		एकसना	10	0	0	13	
		सरकार	60	0	0	18	
		एकसना	61	0	0	13	
		एकसना	62	0	0	19	
		सरकार	69	0	3	3	
		एकसना	70	0	0	17	
		सरकार	71	0	0	9	
		मियादी नं. 19	72	0	0	9	
		मियादी नं. 19	127	0	0	1	
		मियादी नं. 19	128	0	0	3	
		सरकार	129	0	0	6	
		एकसना	130	0	2	0	
		एकसना	131	0	0	9	
		एकसना	132	0	0	2	
		मियादी नं. 118	133	0	1	1	
		सरकार	134	0	0	5	
		एकसना	188	0	0	13	
		मियादी नं. 49	187	0	0	7	
		सरकार	186	0	0	12	
		सरकार	185	0	0	9	
		मियादी नं. 84	178	0	1	2	

1	2	3	4	5	6	7	8
09.	नं. 2 बोर खेरेमिया गाँव प्रथम खण्ड —(जारी)	एकसना	163	0	1	16	
		सरकार	165	0	0	6	
		एकसना	196	0	1	12	
		एकसना	195	0	0	18	
		एकसना	190	0	1	2	
		एकसना	196	0	1	12	
		मियादी नं. 75	191	0	0	14	
		सरकार	189	2	2	1	
		मियादी नं. 112	193	0	0	19	
			कुल क्षेत्र	7	4	2	
10.	निगम गाँव	मियादी नं. 121	63	0	0	15	
		सरकार	68	0	0	7	
		मियादी नं. 15	69	0	0	12	
		एकसना	70	0	0	2	
		एकसना	75	0	0	2	
		एकसना	76	0	0	17	
		सरकार	77	0	3	13	
		एकसना	78	0	2	1	
		मियादी नं. 24	79	0	0	8	
		मियादी नं. 29	80	0	0	5	
		एकसना	83	0	0	12	
		मियादी नं. 3	84	0	0	2	
		एकसना	85	0	0	5	
		सरकार	86	0	0	16	
		एकसना	87	0	0	14	
		मियादी नं. 173	88	0	0	1	
		एकसना	89	0	0	6	
		मियादी नं. 165	92	1	1	0	
		एकसना	93	0	0	11	
		मियादी नं. 165	94	0	0	13	
		मियादी नं. 85	101	0	0	15	
		मियादी नं. 47	110	0	0	1	

1	2	3	4	5	6	7	8
10.	निगम गाँव—(जारी)	मियादी नं. 47	111	0	1	5	
		मियादी नं. 70	112	0	0	14	
		मियादी नं. 171	122	0	0	11	
		मियादी नं. 144	123	0	0	13	
		मियादी नं. 144	124	0	2	2	
		एकसना	125	0	0	9	
		मियादी नं. 154	126	0	0	6	
		मियादी नं. 138	127	0	0	6	
		मियादी नं. 54	129	0	0	10	
		सरकार	130	7	2	9	
		मियादी नं. 41	131	0	1	6	
		मियादी नं. 41	145	0	1	0	
		मियादी नं. 10	146	0	1	0	
		मियादी नं. 120	206	0	0	1	
		मियादी नं. 120	205	0	0	5	
		मियादी नं. 131	207	0	0	9	
		सरकार	208	0	0	15	
		सरकार	209	0	0	13	
		मियादी नं. 170	210	0	2	2	
		मियादी नं. 174	213	0	1	7	
		सरकार	242	0	2	8	
		सरकार	266	0	0	7	
		सरकार	315	3	2	12	
		मियादी नं. 89	436	0	0	8	
		मियादी नं. 99	435	0	1	18	
		मियादी नं. 99	438	0	1	0	
		मियादी नं. 99	439	0	0	6	
		मियादी नं. 110	440	0	1	1	
		एकसना	441	0	0	8	
		मियादी नं. 110	444	0	1	1	
		सरकार	442	0	0	11	
		सरकार	443	1	0	0	
		सरकार	353	0	0	7	
			कुल क्षेत्र	21	6	18	

1	2	3	4	5	6	7	8
11.	1 नं. बोरखेरेमिया गांव	सरकार	210	0	3	8	
	ग्रान्ट नं. 17/181 एफ. एस.	सरकार	211	0	1	9	
	नं. 47 एफ. एस.	एकसना	213	0	1	9	
		मियादी नं. 134	208	0	1	17	
		सरकार	209	1	2	18	
			कुल क्षेत्र	3	1	11	
12.	नामरूप टि. कं. लि.	सरकार	213	0	1	13	
	ग्रान्ट नं. 17/181 एफ. एस.	चाय मियादी	122	0	1	13	
	नं. 47 एफ. एस.	सरकार	578	0	0	2	
		सरकार	579	0	0	2	
		सरकार	597	0	1	9	
		सरकार	598	0	0	2	
		सरकार	596	0	3	13	
		सरकार	603	0	4	4	
		सरकार	600	0	0	2	
		सरकार	604	0	2	8	
		सरकार	602	0	1	9	
		सरकार	593	0	2	8	
		सरकार	609	0	4	8	
		सरकार	610	0	0	18	
		सरकार	611	0	0	4	
		सरकार	574	0	2	8	
		सरकार	556	0	4	5	
		सरकार	530	0	2	6	
		सरकार	632	0	2	6	
		सरकार	529	0	3	3	
		सरकार	124	3	3	7	
		सरकार	143	17	4	17	
		सरकार	142	0	3	12	
		सरकार	534	0	0	4	
		सरकार	127	19	4	6	
		सरकार	524	0	0	1	
		सरकार	535	0	0	1	
			कुल क्षेत्र	50	0	11	

[सं. ओ- 12016/11/2000-ओ एन जी-डी-IV]

एन. सी. जाखूप, अवर सचिव

MINISTRY OF PETROLEUM AND NATURAL GAS

New Delhi, the 30th June, 2003

S. O. 1916.— Whereas by notification of the Government of India in the Ministry of Petroleum & Natural Gas S.O. 2686 dated 12th November, 2000 under Sub-section 1 of Section 3 of Petroleum & Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962) the Central Government declared its intention to acquire the right of user in land specified in the schedule appended to that notification for the purpose of laying pipeline.

And whereas the Competent Authority has under Sub-section 1 of Section 6 of the said Act, submitted report to the Government.

And further whereas the Central Government has after considering the said report, decided to acquire the right of user in lands specified in the schedule appended to this notification.

Now, therefore, in exercise of the power conferred by Sub-section (1) of the Section (6) of the said Act, the Central Government hereby declares that the right of user in the said lands specified in the schedule appended to this notification hereby acquired for laying the pipeline.

And further in exercise of power conferred by Sub section (4) of that Section, the Central Government directs that right of user in the said lands shall instead of vesting in the Central Government vests on this date of publication of this declaration in the Assam Gas Company Limited free from encumbrances.

LAND SCHEDULE

Laying of 16'11 (400mm) underground Natural Gas Pipeline from Naharkatia to the Factory of M/s HFCL Namrup.

State—Assam Dist. Dibrugarh Mouza—Joypore.

Sl. No.	Name of Village	Pata No.	Dag. No.	Area			Remarks
				B.	K.	L.	
1	2	3	4	5	6	7	8
01.	Tipling-Bhandhari	Waste Land	483	0	0	15	
		Waste Land	378	0	4	1	
		P.P. No. 124	377	0	0	05	
		P.P. No. 145	365	0	2	15	
		P.P. No. 32	366	0	0	7	
		P.P. No. 71	368	0	1	13	
		P.P. No. 124	353	0	3	8	
		P.P. No. 71	351	0	1	8	
		P.P. No. 34	506	0	1	8	
		P.P. No. 73	349	1	0	17	
		P.P. No. 55	350	0	0	5	
		Waste Land	348	0	0	7	
		P.P. No. 6	299	0	0	5	
		P.P. No. 103	300	0	3	17	
		P.P. No. 37	301	0	2	8	
		P.P. No. 1	303	0	0	7	
		P.P. No. 77	281	0	0	9	
		P.P. No. 70	280	0	4	10	

1	2	3	4	5	6	7	8
01.	Tipling-Bhandhari (contd.)	P.P. No. 98	249	0	1	15	
		P.P. No. 110	275	0	3	15	
		P.P. No. 13	274	0	0	17	
		P.P. No. 23	279	0	0	5	
		P.P. No. 98	253	0	2	12	
		P.P. No. 1	305	0	0	7	
		P.P. No. 61	304	0	0	5	
		P.P. No. 37	282	0	1	19	
			Total Area	9	1	0	
02.	Hajuwa-Pothar Village	Waste Land	17	9	4	0	
		Waste Land	18	0	0	6	
		Waste Land	19	11	3	15	
		Waste Land	20	0	1	17	
		Waste Land	24	0	1	9	
		Waste Land	21	0	3	13	
		Total	Area	22	4	0	
03.	Now Gaon- Dhadumia	P.P.No. 99	65	0	0	18	
		P.P.No. 33	64	0	0	18	
		Annual	133	0	0	9	
		Waste Land	134	0	0	3	
		P.P. No. 22	139	0	0	5	
		P.P. No. 18	137	0	0	14	
		Waste Land	138	2	3	10	
		Waste Land	61	0	1	7	
		P.P. No. 60	158	0	1	17	
		P.P. No. 78	159	0	0	12	
		P.P. No. 46	160	0	0	6	
		Waste Land	163	0	3	0	
		Waste Land	165	0	2	1	
		P.P. No. 26	201	0	0	3	
		P.P. No. 38	66	0	0	6	
		P.P. No. 94	67	0	0	18	
		P.P. No. 100	60	0	1	4	
		P.P. No. 76	57	0	0	6	
		P.P. No. 76	58	0	0	11	
		Waste Land	164	5	2	6	
			Total Area	11	1	14	

1	2	3	4	5	6	7	8
04.	Naharkatia Town 5th Part	Waste Land	41	1	1	4	
		Waste Land	40	0	4	10	
		Waste Land	109	5	3	0	
		Waste Land	108	9	3	14	
		Waste Land	107	3	1	4	
		P.P.No. 1	37	1	0	6.5	
		P.P.No. 1	43	0	0	17	
		P.P.No. 1	63	0	0	19	
		P.P.No. 57	44	0	0	10	
		P.P.No. 57	53	0	0	7.5	
		P.P.No. 52	54	0	0	3	
		P.P.No. 8	55	0	0	3	
		P.P.No. 9	58	0	0	3	
		Waste Land	49	0	0	2	
		P.P.No. 31	59	0	0	10.5	
		P.P.No. 61	62	0	0	10	
		P.P.No. 70	68	0	0	11	
		P.P.No. 70	69	0	0	4.5	
		P.P.No. 35	70	0	0	10	
		P.P.No. 58	71	0	0	18.50	
		P.P.No. 98	80	0	0	1.5	
		P.P.No. 126	94	0	0	19.50	
		P.P.No. 122	96	0	0	9	
		P.P.No. 10	97	0	0	10.5	
		P.P.No. 10	102	0	1	6	
		P.P.No. 10	103	0	0	4.50	
		T.P.P.No. 1	134	0	3	16	
		T.P.P.No. 1	104	0	0	1.50	
		T.P.P.No. 1	105	0	2	5	
		P.P.No. 1	112	0	0	10	
		Waste Land	95	1	2	10	
		Total	area	26	3	1	

1	2	3	4	5	6	7	8
05.	Lengrijan Tea Estate	Kheraj Periodical	60	0	4	18	
	Jorhat Tea Co. Ltd.	Tea Periodical	25	0	1	13	
	Application No. 40 1909-10	-do-	28	3	3	3	
		Kheraj Periodical	16	1	3	12	
		-do-	59	1	4	3	
		Tea Periodical	83	10	2	5	
		-do-	69	0	0	7	
		-do-	68	0	2	0	
		-do-	91	0	2	13	
		-do-	90	0	0	6	
		-do-	80	2	1	7	
		-do-	94	0	4	16	
		Waste Land	120	0	2	6	
		-do-	119	0	0	11	
		-do-	118	0	0	17	
		-do-	167	0	0	7	
		-do-	116	0	0	6	
		-do-	115	0	0	10	
		-do-	114	0	0	7	
		-do-	113	0	0	2	
		-do-	112	0	0	6	
		-do-	111	0	0	6	
		-do-	110	0	0	6	
		-do-	109	0	0	6	
		-do-	108	0	0	7	
		-do-	107	0	0	6	
		-do-	106	0	0	7	
		-do-	105	0	0	10	
		Tea Periodical	123	0	0	10	
		Waste Land	125	0	0	11	
		-do-	126	0	0	6	
		-do-	127	0	0	7	
		-do-	128	0	0	6	
		-do-	129	0	0	7	
		-do-	130	0	0	11	

1	2	3	4	5	6	7	8
05.	Lengrijan Tea Estate	Waste land	131	0	0	10	
	Jorhat Tea Co. Ltd.	-do-	132	0	0	16	
	Application No. 40 1909-10	-do-	133	0	0	6	
		-do-	134	0	0	7	
		-do-	135	0	0	7	
		-do-	136	0	0	7	
		-do-	137	0	0	10	
		Total	area	26	0	4	
06.	Balijan Mazi Gaon	P.P. No. 7	63	0	0	9	
		Annual	64	0	1	5	
		-do-	65	2	3	11	
		Waste Land	106	0	1	9	
		P.P. No. 50	117	0	1	7	
		Annual	121	0	1	1	
		P.P. No. 14	122	0	0	16	
		P.P. No. 21	136	0	1	10	
		Waste Land	138	4	1	5	
		-do-	137	0	0	1	
		P.P. No. 9	139	0	0	5	
		P.P. No. 23	140	0	0	4	
		P.P. No. 27	141	0	0	6	
		P.P. No. 31	142	0	0	5	
		P.P. No. 16	143	0	0	6	
		P.P. No. 44	146	0	0	16	
		P.P. No. 38	144	0	0	4	
		P.P. No. 2	145	0	0	14	
		Total	area	9	0	14	
07	2 No. Balijan Gaon	Waste Land	82	0	3	10	
		P.P. No. 63	84	0	3	4	
		P.P. No. 2	85	0	0	9	
		P.P. No. 1	86	0	0	18	
		P.P. No. 35	87	0	0	2	
		P.P. No. 1	73	0	0	9	
		P.P. No. 1	74	0	1	19	
		P.P. No. 34	75	0	2	15	
		P.P. No. 37	76	0	3	2	

1	2	3	4	5	6	7	8
07	2 No. Balijan Gaon	Waste Land	78	0	0	2	
		P. P. No. 26	72	0	0	2	
		Waste Land	19	0	2	6	
		P. P. No. 1	126	0	0	2	
		P. P. No. 32	129	0	2	4	
		P. P. No. 18	130	0	0	7	
		P. P. No. 29	131	0	4	19	
		P. P. No. 14	132	0	3	2	
		P. P. No. 60	162	0	0	4	
		Waste Land	164	0	0	2	
		Waste Land	95	0	1	9	
		Total Area		6	1	7	
08.	Bor Kheremia Ghela Guri Gaon	P. P. No. 20	64	0	1	2	
		P. P. No. 33	65	0	2	6	
		P. P. No. 44	66	0	0	13	
		P. P. No. 37	67	0	0	6	
		P. P. No. 37	70	0	0	13	
		P. P. No. 32	71	0	0	12	
		Waste Land	72	3	2	16	
		P. P. No. 45	73	0	0	11	
		P. P. No. 20	74	0	0	12	
		Annual	78	0	0	11	
		P. P. No. 43	79	0	0	18	
		P. P. No. 43	80	0	0	8	
		P. P. No. 21	82	0	0	2	
		P. P. No. 13	85	0	0	17	
		P. P. No. 17	127	0	1	1	
		Waste Land	9	—	—	18	
		P. P. No. 22	128	0	0	12	
		P. P. No. 27	121	0	0	9	
		Waste Land	146	0	1	6	
		Total Area		6	1	13	
09.	2 No. Bor Kheremia Gaon 1st Part	P. P. No. 10	1	0	0	12	
		Annual	4	0	1	1	
		P. P. No. 60	5	0	0	17	
		P. P. No. 13	8	0	0	17	
		Annual	9	0	0	16	

1	2	3	4	5	6	7	8
09.	2 No. Bor Kheremia Gaon 1st Part (Contd.)	Annual	10	0	0	13	
		Waste Land	60	0	0	18	
		Annual	61	0	0	13	
		Annual	62	0	0	19	
		Waste Land	69	0	3	3	
		Annual	70	0	0	17	
		Waste Land	71	0	0	9	
		P. P. No. 19	72	0	0	9	
		P. P. No. 19	127	0	0	1	
		P. P. No. 19	128	0	0	3	
		Waste Land	129	0	0	6	
		Annual	130	0	2	0	
		Annual	131	0	0	9	
		Annual	132	0	0	2	
		P. P. No. 118	133	0	1	1	
		Waste Land	134	0	0	5	
		Annual	188	0	0	13	
		P. P. No. 49	187	0	0	7	
		Waste Land	186	0	0	12	
		Waste Land	185	0	0	9	
		P. P. No. 84	178	0	1	2	
		Annual	163	0	1	16	
		Waste Land	165	0	0	6	
		Annual	196	0	1	12	
		Annual	195	0	0	18	
		Annual	190	0	1	2	
		P. P. No. 75	191	0	0	14	
		Waste Land	189	2	2	1	
		P. P. No. 112	193	0	0	19	
		Total Area		7	4	2	
10.	Nigam Gaon	P. P. No. 121	63	0	0	15	
		Waste Land	68	0	0	7	
		P. P. No. 15	69	0	0	12	
		Annual	70	0	0	2	
		Annual	75	0	0	2	
		Annual	76	0	0	17	

1	2	3	4	5	6	7	8
10.	Nigam Gaon-(Contd.)	Waste Land	77	0	3	13	
		Annual	78	0	2	1	
		P. P. No. 24	79	0	0	8	
		P. P. No. 29	80	0	0	5	
		Annual	83	0	0	12	
		P. P. No. 3	84	0	0	2	
		Annual	85	0	0	5	
		Waste Land	86	0	0	16	
		Annual	87	0	0	14	
		P. P. No. 173	88	0	0	1	
		Annual	89	0	0	6	
		P. P. No. 165	92	1	1	0	
		Annual	93	0	0	11	
		P. P. No. 165	94	0	0	13	
		P. P. No. 85	101	0	0	15	
		P. P. No. 47	110	0	0	1	
		P. P. No. 47	111	0	1	5	
		P. P. No. 70	112	0	0	14	
		P. P. No. 171	122	0	0	11	
		P. P. No. 144	123	0	0	13	
		P. P. No. 144	124	0	2	2	
		Annual	125	0	0	9	
		P. P. No. 154	126	0	0	6	
		P. P. No. 138	127	0	0	6	
		P. P. No. 54	129	0	0	10	
		Waste Land	130	7	2	9	
		P. P. No. 41	131	0	0	6	
		P. P. No. 41	145	0	1	0	
		P. P. No. 10	146	0	1	0	
		P. P. No. 120	206	0	1	1	
		P. P. No. 120	205	0	0	5	
		P. P. No. 131	207	0	0	9	
		Waste Land	208	0	0	15	
		Waste Land	209	0	0	13	
		P. P. No. 170	210	0	2	2	
		P. P. No. 174	213	0	1	17	

1	2	3	4	5	6	7	8
10.	Nigam	Waste Land	242	0	2	8	
		-do-	266	0	0	7	
		-do-	315	3	2	12	
		P. P. No. 39	436	0	0	8	
		P. P. No. 99	435	0	1	18	
		P. P. No. 99	438	0	1	0	
		P. P. No. 99	439	0	0	6	
		P. P. No. 110	440	0	1	1	
		Annual	441	0	0	8	
		P. P. No. 110	444	0	1	1	
		Waste Land	442	0	0	11	
		-do-	443	1	0	0	
		-do-	353	0	0	7	
		Total area		21	0	18	
11.	1 No. Borkheremia Gaon	Waste Land	210	0	3	18	
		-do-	211	0	1	9	
		Annual	213	0	1	9	
		P. P. No. 134	208	0	1	17	
		Waste Land	209	1	2	18	
		Total area		3	1	11	
12.	Namrup Tea Co. Ltd.	Waste Land	123	0	1	13	
	Grant No. 17/181 F. S.	Tea Periodical	122	0	1	13	
	No. 47 F. S.	Waste Land	578	0	0	2	
		-do-	579	0	0	2	
		-do-	597	0	1	9	
		-do-	598	0	0	2	
		-do-	596	0	3	13	
		-do-	603	0	4	4	
		-do-	600	0	0	2	
		-do-	604	0	2	8	
		-do-	602	0	1	9	
		-do-	593	0	2	8	
		-do-	609	0	4	8	
		-do-	610	0	0	18	
		-do-	611	0	0	4	
		-do-	574	0	2	8	

1	2	3	4	5	6	7	8
12.	Namrup Tea Co. Ltd.	Waste Land	556	0	4	5	
	Grant No. 17/181 F.S.	-do-	530	0	2	6	
	No. 47 F.S.—(Concd.)	-do-	632	0	2	6	
		-do-	529	0	3	3	
		do-	124	3	3	7	
		-do-	143	17	4	17	
		-do-	142	0	3	12	
		-do-	534	0	0	4	
		-do-	127	19	4	6	
		-do-	524	0	0	1	
		-do-	535	0	0	1	
		Tota Area		50	0	11	

[No. O-12016/11/2000-ONG-D-IV]

N. C. ZAKHUP, Under Secy.

नई दिल्ली, 30 जून, 2003

का. आ. 1917.—केंद्रीय सरकार ने पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) के अधीन भारत सरकार के पेट्रोलियम एवं प्राकृतिक गैस मंत्रालय की अधिसूचना सं. का.आ. 3155 तारीख 17 नवंबर, 2001 द्वारा पाइपलाइन बिछाने के प्रयोजन के लिए उस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमि में उपयोग के अधिकार का अर्जन करने के अपने आशय की घोषणा की थी,

और सक्षम प्राधिकारी ने उक्त अधिनियम की धारा 6 की उपधारा (1) के अधीन सरकार को अपनी रिपोर्ट दे दी है,

और केन्द्रीय सरकार ने उक्त रिपोर्ट पर विचार करने के पश्चात् इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमि में उपयोग के अधिकार का अर्जन करने का विनिश्चय किया है,

अत: अब, केन्द्रीय सरकार अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए घोषणा करती है कि पाइप लाइन बिछाने के प्रयोजन के लिए इस अधिसूचना में संलग्न अनुसूची में विनिर्दिष्ट उक्त भूमि में उपयोग के अधिकार का अर्जन किया जाता है।

और केन्द्रीय सरकार उस धारा की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए निर्देश देती है कि उक्त भूमि में उपयोग का अधिकार इस घोषणा के प्रकाशन की तारीख से केन्द्रीय सरकार में निहित होने के बजाय, सभी विल्लंगमों से मुक्त, असम गैस कंपनी लि. में होगा।

अनुसूची

राज्य—आसाम जिला—डिब्रूगढ़, मौजा—खेरेमिया/जयपुर

क्रम नं.	गांव का नाम	पट्टा नं.	दाग नं.	क्षेत्रफल			टिप्पणी
				बिघा.	कट्टा.	लुसा.	
1	2	3	4	5	6	7	8
01.	1. नं. चालाकाटकी गाँव	एकासना	257	0	1	4	
		मियादी पट्टा सं० 52	254	0	2	17	
		मियादी पट्टा सं० 5	259	0	3	0	
		मियादी पट्ट सं० 33	261	0	2	14	
		मियादी पट्टा सं० 78	262	1	0	5	

1	2	3	4	5	6	7	8
		मियादी पट्टा सं० 33	263	0	0	6	
		सरकार	249	1	2	16	
		सरकार	258	0	0	9	
		कुल क्षेत्रफल		4	3	11	
02.	2 नं. चालाकाटकी गाँव	सरकार	105	1	0	16	
		सरकार	29	0	1	0	
		सरकार	98	0	4	8	
		सरकार	2	0	2	4	
		कुल क्षेत्रफल		2	3	8	
03.	1 नं. जागुन पथार गाँव	सरकार	73	0	2	11	
		मियादी पट्टा सं.14	75	0	0	2	
		मियादी पट्टा सं. 2	77	1	2	7	
		मियादी पट्टा सं.14	78	1	1	16	
		सरकार	21	3	0	12	
		सरकार	85	2	0	9	
		सरकार	99	0	0	18	
		एकसना	104	0	3	6	
		सरकार	94	0	2	15	
		मियादी पट्टा सं.1	105	0	2	15	
		कुल क्षेत्रफल		10	2	11	
04.	2 नं. जागुन पथारा गाँव	सरकार	38	1	3	5	
		सरकार	39	0	0	18	
		सरकार	130	0	0	9	
		मियादी पट्टा सं.13	95	0	2	8	
		मियादी पट्टा सं. 1	129	0	0	7	
		सरकार	131	0	1	10	
		मियादी पट्टा सं.13	132	0	2	8	
		मियादी पट्टा सं.1	135	0	0	13	
		सरकार	136	0	1	2	
		सरकार	137	0	1	6	
		सरकार	77	0	1	5	
		सरकार	141	0	0	13	
		एकसना सं. 7	140	0	1	9	
		एकसना सं. 7	190	0	1	17	
		एकसना सं. 7	191	0	0	7	
		एकसना सं. 7	189	0	0	6	
		कुल क्षेत्रफल		4	3	3	

1	2	3	4	5	6	7	8
05.	हाथीगड़ ब्लोक गाँव	सरकार	26	0	2	0	
		सरकार	27	0	1	2	
		सरकार	28	0	0	18	
		सरकार	9	0	0	14	
		मियादी पट्टा सं.3	10	0	0	18	
		सरकार	4	0	1	2	
		सरकार	11	0	1	6	
		एकसना	12	0	1	2	
		सरकार	13	0	0	16	
		सरकार	1	0	0	15	
		सरकार	54	0	3	0	
		मियादी पट्टा सं.3	176	0	3	15	
		कुल क्षेत्रफल		3	2	8	
06.	2 नं. बोरखेरेमिया गाँव (प्रथम खण्ड)	सरकार	129	0	1	12	
		एकसना	130	0	0	5	
		एकसना	131	0	0	5	
		एकसना	132	0	0	18	
		सरकार	122	1	2	10	
		एकसना	123	0	2	8	
		मियादी पट्टा सं.19	124	0	0	4	
		सरकार	95	0	0	18	
		एकसना	106	0	4	12	
		मियादी पट्टा सं.84	121	0	1	17	
		मियादी पट्टा सं. 51	209	0	4	12	
		मियादी पट्टा सं. 35	210	0	4	14	
		मियादी पट्टा सं.110	213	0	0	3	
		एकसना	220	0	2	11	
		मियादी पट्टा सं.5	221	0	1	14	
		सरकार	216	0	1	14	
		मियादी पट्टा सं.34	217	0	1	13	
		मियादी पट्टा सं.36	219	0	1	14	
		कुल क्षेत्रफल		7	4	4	
07.	निगम गाँव	मियादी पट्टा सं.165	92	0	2	9	
		मियादी पट्टा सं.165	94	0	1	6	
		सरकार	95	0	0	13	
		मियादी पट्टा सं.85	101	0	0	18	
		मियादी पट्टा सं.47	110	0	0	6	
		मियादी पट्टा सं.165	98	0	0	9	
		कुल क्षेत्रफल		1	1	1	

[सं० ओ० -12016/11/2000-ओ एन जी-डी-IV]

एन. सी. जाखूप, अवर सचिव

New Delhi, the 30th June, 2003

S. O. 191.— Whereas by notification of the Government of India in the Ministry of Petroleum & Natural Gas S.O. 3154 dated 17th November, 2000 under sub-section 1 of Section 3 of Petroleum & Minerals Pipelines (Acquisition of Right of User in Land) Act 1962 (50 of 1962) the Central Government declares its intention to acquire the right of user in land specified in the schedule appended to that notification for the purpose of laying pipeline.

And whereas the Competent Authority has under sub-section 1 of Section 6 of the said Act, submitted report to the Government.

And further whereas the Central Government has after considering the said report, decided to acquire the right of user in lands specified in the schedule appended to this notification.

Now, therefore, in exercise of the power conferred by sub-section (1) of Section (6) of the said Act, the Central Govt. hereby declares that the right of user in the said lands specified in the Schedule appended to this notification hereby acquired for laying the pipeline.

And further in exercise of power conferred by sub-section (4) of that section, the Central Govt. directs that right of user in the said lands shall instead of vesting in the Central Govt. vests on this date of publication of this declaration in the Assam Gas Company Limited free from encumbrances.

SCHEDULE

State — Assam, Distt. Dibrugarh, Mouza—Kheremia/Jaipur

Sl. No.	Name of Village	Patta No.	Dag No.	Area B	K	L	Remark
1	2	3	4	5	6	7	8
01.	1 No. Chalakataky Gaon	Annual	257	0	1	4	
		P.P. No. 52	254	0	2	17	
		P.P. No. 5	259	0	3	0	
		P.P. No. 33	261	0	2	14	
		P.P. No. 78	262	1	0	5	
		P.P. No. 33	263	0	0	6	
		Wasteland	249	1	2	16	
		Wasteland	258	0	0	9	
		Total area		4	3	11	
02.	2 No. Chalakataky Gaon	Wasteland	105	1	0	16	
		Wasteland	29	0	1	0	
		Wasteland	98	0	4	8	
		Wasteland	2	0	2	4	
		Total area		2	3	8	
03.	1 No. Jagun Potnar Gaon	Wasteland	73	0	2	11	
		P.P. No. 14	75	0	0	2	
		P.P. No. 2	77	1	2	7	

1	2	3	4	5	6	7	8
	1 No. Jagun Potnar Gaon (Contd.)	P.P. No. 14	78	1	1	16	
		Wasteland	21	3	0	12	
		Wasteland	85	2	0	9	
		Wasteland	99	0	0	18	
		Annual	104	0	3	6	
		Wasteland	94	0	2	15	
		P.P. No. 1	105	0	2	15	
		Total area		10	2	11	
04.	2 No. Jagun Pathar Gaon	Wasteland	38	1	3	5	
		Wasteland	39	0	0	18	
		Wasteland	130	0	0	9	
		P.P. No. 13	95	0	2	8	
		P.P. No. 1	129	0	0	7	
		Wasteland	131	0	1	10	
		P.P. No. 13	132	0	0	8	
		P.P. No. 1	135	0	0	13	
		Wasteland	136	0	1	2	
		Wasteland	137	0	1	6	
		Wasteland	77	0	1	5	
		Wasteland	141	0	0	13	
		Annual No. 7	140	0	1	9	
		Annual No. 7	190	0	1	17	
		Annual No. 7	191	0	0	7	
		Annual No. 7	189	0	0	6	
		Total area		4	3	3	
05.	Hatigarh Block Gaon	Wasteland	26	0	1	2	
		Wasteland	27	0	2	0	
		Wasteland	28	0	0	18	
		Wasteland	9	0	0	14	
		P.P. No. 3	10	0	0	18	
		Wasteland	4	0	1	2	
		Wasteland	11	0	1	6	
		Annual	12	0	1		

1	2	3	4	5	6	7	8
Hatigarh Block Gaon (Contd.)		Wasteland	13	0	0	16	
		Wasteland	1	0	1	15	
		Wasteland	54	0	3	0	
		P.P. No. 3	176	0	3	15	
		Total area		3	2	8	
06.	2 No. Borkheremisa Gaon	Wasteland	129	0	1	12	
	(1st Part)	Annual	130	0	0	5	
		Annual	131	0	0	5	
		Annual	132	0	0	18	
		Wasteland	122	1	2	10	
		Annual	123	0	2	8	
		P.P. No. 19	124	0	0	4	
		Wasteland	95	0	0	18	
		Annual	106	0	4	12	
		P.P. No. 84	121	0	1	17	
		P.P. No. 51	209	0	4	12	
		P.P. No. 35	210	0	4	14	
		P.P. No. 110	213	0	0	3	
		Annual	220	0	2	11	
		P.P. No. 5	221	0	1	14	
		Wasteland	216	0	1	14	
		P.P. No. 34	217	0	1	13	
		P.P. No. 36	219	0	1	14	
		Total area		7	4	4	
07.	Nigam Gaon	P.P. No. 165	92	0	2	9	
		P.P. No. 165	94	0	1	6	
		Annual	95	0	0	13	
		P.P. No. 85	101	0	0	18	
		P.P. No. 47	110	0	0	6	
		P.P. No. 165	98	0	0	9	
		Total area		1	1	1	

[No. O-12016/11/2000-ONG-D-IV]

N. C. ZAKHUP, Under Secy.

नई दिल्ली, 3 जुलाई, 2003

का.आ. 1918.—केंद्रीय सरकार, पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) (जिसे इसमें इसके पश्चात् उक्त अधिनियम कहा गया है) की धारा 3 की उपधारा (1) के अधीन जारी की गई भारत सरकार के पेट्रोलियम और प्राकृतिक गैस मंत्रालय की अधिसूचना सं. का.आ. 1042 तारीख 25-03-2003 द्वारा कर्नाटक राज्य में मंगलौर से बंगलौर तक पेट्रोलियम उत्पादों के परिवहन के लिए उस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमि में मै० पेट्रोनेट एम.एच.बी. लिमिटेड द्वारा पाइपलाइन बिछाने के प्रयोजन के लिए उपयोग के अधिकार का अर्जन करने के अपने आशय की घोषणा की थी;

और उक्त राजपत्रित अधिसूचना की प्रतियां जनता को तारीख 9 अप्रैल, 2003, 10 अप्रैल, 2003 और 11 अप्रैल, 2003 को उपलब्ध करा दी गई थीं;

और सक्षम प्राधिकारी ने उक्त अधिनियम की धारा 6 की उपधारा (1) के अधीन केन्द्रीय सरकार को अपनी रिपोर्ट प्रस्तुत कर दी है;

और केन्द्रीय सरकार ने उक्त रिपोर्ट पर विचार करने के पश्चात् यह विनिश्चय किया है इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमि में उपयोग के अधिकार का अर्जन किया जाए;

अत: अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट उक्त भूमि में पाइप लाइन बिछाने के लिए उपयोग का अधिकार अर्जित किया जाता है।

और केन्द्रीय सरकार, उक्त धारा की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, निदेश देती है कि उक्त भूमि में उपयोग का अधिकार इस घोषणा के प्रकाशन की तारीख से केन्द्रीय सरकार में निहित होने के बजाए, सभी विल्लंगमों से मुक्त मै० पेट्रोनेट एम.एच.बी. लिमिटेड में निहित होगा।

अनुसूची

राज्य : कर्नाटक जिला : हासन

तालुका का नाम	ग्राम का नाम	सर्वे सं.	भाग हिस्सा सं. (यदि कोई हो)	क्षेत्रफल एकड़-गुन्टा
1	2	3	4	5
चन्नरायापट्टण	दोड्डकरडि	42		0-19
		39		0-02
		35		0-03
	बेलगुलि	119	4	0-02
		183	2	0-03
		160	2	0-01
		160	3	0-01
		119	1	0-03
		118		0-03
		64		0-03
		116	1बि	0-01
	कालेनहल्लि	76	2	0-01
		17	1	0-02
		18	1	0-05
		18	2	0-04
		21	1	0-08
		75	2	0-08
		75	3ए	0-01
	क्रिसनपुरा	7(पी)		0-02

1	2	3	4	5
चन्नरायापट्टाण	द्यावनूर	4		0-10
		14		0-02
	गोविनकेरे	132		0-09
		84	4	0-01
		122	1	0-02
	ओबलापुरा	142	5	0-02
		141	3	0-02
		135	2	0-03
		119	6	0-03
		98	3बी	0-05
	भुवनहल्लि	21		0-02
	रायासमुद्रकावल्	8		0-05
		33	4	0-02
		73	2	0-02
		73	1	0-02
		93		0-20
		96		0-07
		143		0-13
		141		0-21
		119		0-05
		1		5-37
	विरूपाक्षपुरा	33		0-07
		35		0-01
	मुलकेरि	44	1	0-02
	उन्गुरगेरे	82		0-01
	मादलगेरे	1		0-01
	बिलिकेरि	111	11	0-01
		111	12	0-01
		92	2	0-02
	तुप्पदहल्लि	71		0-03
		85		0-01
	नरिहल्लि	95	3	0-01
		94	1	0-01
		96	4	0-05
		108	4ए	0-03
		108	4बि	0-12
	हुलवल्लि	45	4	0-02
		45	3	0-01
	मेलहल्लि	19		0-08
		18	1	0-16

राज्य : कर्नाटक जिला : चिकमंगलूर

तालुका का नाम	ग्राम का नाम	सर्वे सं.	भाग हिस्सा सं. (यदि कोई हो)	क्षेत्रफल एकड-गुन्टा
1	2	3	4	5
मूडिगेरे	गुट्टि	199	—	0-17
		227	—	0-17
		246	—	0-09
		248	—	0-26
		259	—	0-15

राज्य : कर्नाटक जिला : दक्षिनाकन्नड

तालुका का नाम	ग्राम का नाम	सर्वे सं.	भाग हिस्सा सं. (यदि कोई हो)	क्षेत्रफल एकड-सेन्ट्
1	2	3	4	5
बंटवाल	बडगभेल्लूर	53	5	0-12
	अरल	185	1	0-16
	मूढनदुगोढु	141	2ए	0-89
		141	2बी	0-12
मंलगूर	मलवूर	17	1ए	0-09
		17	3	0-06
		17	6	0-05
		8	25	0-12
	बडगउलिपाढि	29	2	0-14
बेल्तंगढि	नेरिया	59	3	0-25

[फा. सं. आर-31015/3/98-ओ आर-II (भाग-III)]

हरीश कुमार, अवर सचिव

New Delhi, the 3rd July, 2003

S.O. 1918.—Whereas by the notification of the Government of India in the Ministry of Petroleum and Natural Gas number S.O. 1042 dated the 25th March, 2003, issued under sub-section (1) of Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (hereinafter referred to as said Act), the Central Government declared its intention to acquire the Right of User in the lands specified in the Schedule appended to that notification for the purpose of laying pipeline for the transport of petroleum products from Mangalore to Bangalore in the State of Karnataka, by M/s. Petronet MHB Limited;

And whereas, the copies of said Gazette Notifications were made available to the public on 09-04-2003, 10-04-2003 and 11-04-2003;

And, whereas, the Competent Authority has under sub-section (1) of Section 6 of the said Act, submitted report to the Central Government;

And, further, whereas the Central Government has, after considering the said report, decided to acquire the right of user in the lands specified in the Schedule appended to this notification;

Now, therefore, in exercise of the powers conferred by sub-sedction (1) of Section 6 of the said Act, the Central Government hereby declares that the right of user in the said lands specified in the Schedule appended to this notification is hereby acquired for laying the pipeline;

And, therefore, in exercise of the powers conferred by sub-section (4) of that section, the Central Government directs that the right of user in the said lands shall instead of vesting in the Central Government, vest on this date of publication of this declaration, in the Petronet MHB Limited, free from all encumbrances.

SCHEDULE

State : Karnataka District : Hassan

Name of Taluk	Name of Village	Survey No.	Part/ Hissa No. (if any)	Extent A-G
1	2	3	4	5
Channarayapatna	Doddakaradi	42		0-19
		39		0-02
		35		0-03
	Belaguli	119	4	0-02
		183	2	0-03
		160	2	0-01
		160	3	0-01
		119	1	0-03
		118		0-03
		64		0-03
		116	1B	0-01
	Kalenahalli	76	2	0-01
		17	1	0-02
		18	1	0-05
		18	2	0-04
		21	1	0-08
		75	2	0-08
		75	3A	0-01
	Krishnapura	7(P)		0-02
	Dyavanur	4		0-10
		14		0-02
	Govinakere	132		0-09
		84	4	0-01
		122	1	0-02
	Obalapura	142	5	0-02
		141	3	0-02
		135	2	0-03
		119	6	0-03
		98	3B	0-05
	Bhuvanahalli	21		0-02
	Rayasamudrakaval	8		0-05
		33	4	0-02

1	2	3	4	5
		73	2	0-02
		73	1	0-02
		93		0-20
		96		0-07
		143		0-13
		141		0-21
		119		0-05
		1		5-37
	Virupakshapura	33		0-07
		35		0-01
	Mulakeri	44	1	0-02
	Ungaragere	82		0-01
	Madalagere	1		0-01
	Bilikeri	111	11	0-01
		111	12	0-01
		92	2	0-02
	Thupadahalli	71		0-03
		85		0-01
	Narihalli	95	3	0-01
		94	1	0-01
		96	4	0-05
		108	4A	0-03
		108	4B	0-12
	Hulavalli	45	4	0-02
		45	3	0-01
	Melahalli	19		0-08
		18	1	0-16

State : Karnataka District : Chikmagalur

Name of Taluk	Name of Village	Survey No.	Part/ Hissa No. (if any)	Extent Acre-Guntas
1	2	3	4	5
Mudigere	Gutti	199	—	0-17
		227	—	0-17
		246	—	0-09
		248	—	0-26
		259	—	0-15

State : Karnataka District : Dakshina Kannada

Name of Taluk	Name of Village	Survey No.	Part/ Hissa No. (if any)	Extent Acre-Cents
1	2	3	4	5
Bantwal	Badagabellur	53	5	0-12
	Arla	185	1	0-16
	Mudanadugodu	141	2A	0-89
		141	2B	0-12
Mangalore	Malavur	17	1A	0-09
		17	3	0-06
		17	6	0-05
		8	25	0-12
	Badagaulipady	29	2	0-14
Belthangady	Neriya	59	3	0-25

[F. No. R-31015/3/98 OR-II (Part-III)]
HARISH KUMAR, Under Secy.

नई दिल्ली, 4 जुलाई, 2003

का.आ. 1919 .—जबकि केंद्रीय सरकार को यह प्रतीत होता है कि लोकहित में यह आवश्यक है कि असम राज्यिक विद्युत परिषद् के नामरूप ताप विद्युत केन्द्र, जिला डिब्रूगढ़, असम से प्राकृतिक गैस की आपूर्ति के लिये दुलियाजान से नामरूप तक असम गैस कम्पनी लिमिटेड, दुलियाजान द्वारा पाइपलाइन बिछायी जानी चाहिए :

और अत: यह प्रतीत होता है कि ऐसी लाइनों को बिछाने के प्रयोजन के लिए इसके साथ उपाबद्ध अनुसूची में वर्णित भूमि में उपयोग का अधिकार अर्जित करना आवश्यक है।

अत: अब पेट्रोलियम (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार उसमें उपयोग का अधिकार अर्जित करने का अपना आशय एतद्द्वारा घोषित करती है।

उक्त भूमि में हितबद्ध कोई व्यक्ति उस भूमि के नीचे पाइपलाइन बिछाने के लिये आपत्ति और सुझाव सक्षम अधिकारी नामत: जिला उपायुक्त डिब्रूगढ़, असम को इस अधिसूचना की तारीख से 21 दिनों के भीतर कर सकता है।

और ऐसी आपत्ति और सुझाव देने वाला हर व्यक्ति यह भी बताएगा कि क्या वह अपनी सुनवाई व्यक्तिगत रूप से चाहता है अथवा किसी विधि व्यवसायी के माध्यम से।

अनुसूची

राज्य : असम जिला : डिब्रूगढ़ मौजा : खेरेमिया

क्रम नं.	गाँव का नाम	पट्टा नं.	दाग नं.	क्षेत्रफल			टिप्पणी
				बीघा	कट्टा	लूसा	
1		2	3		4		5
1.	चलाकटकी नं. 1	मियादी पट्टा नं. 78	296	0	3	17	
		मियादी पट्टा नं. 52	298	0	1	7.5	
		मियादी पट्टा नं. 52	299	0	1	15	
		सरकारी	307	0	0	6	
		मियादी पट्टा नं. 85	302	0	2	11	

1	2	3	4		5
चलाकटकी नं. 1—जारी	एकसना	201	0	4	2
	एकसना	300	0	0	17
	एकसना	320	0	2	19
	एकसना	321	0	2	13
	मियादी पट्टा नं. 81	346	0	0	13
	एकसना	347	0	2	0
	कुल क्षेत्रफल		**4**	**2**	**14.5**
02. चलाकटकी नं. 2	सरकारी	104	1	0	6
	सरकारी	103	2	0	9
	सरकारी	101	0	3	13
	सरकारी	10बी	0	0	18
	कुल क्षेत्रफल		**4**	**0**	**6**
03. जागुन पथार नं. 1	सरकारी	14	0	0	11
	सरकारी	17	0	0	11
	सरकारी	18	0	0	11
	सरकारी	19	1	4	17
	एकसना	22	0	2	6
	एकसना	27	0	2	6
	मियादी पट्टा नं. 33	28	0	1	17
	सरकारी	29	0	2	19
	मियादी पट्टा नं. 10	42	0	0	10
	सरकारी	20	0	0	15
	सरकारी	21	0	0	11
	कुल क्षेत्रफल		**4**	**2**	**14**
04. जागुन पथार नं. 2	सरकारी	38	0	1	6
	सरकारी	13	0	1	17
	मियादी पट्टा नं. 16	23	0	0	11
	एकसना नं. 7	24	0	1	0
	एकसना नं. 26	25	0	1	2
	सरकारी	26	0	2	15
	सरकारी	31	0	1	2
	मियादी पट्टा नं. 36	37	1	0	10
	मियादी पट्टा नं. 2	41	1	0	10
	मियादी पट्टा नं. 2	61	0	1	17
	मियादी पट्टा नं. 13	91	1	0	6
	मियादी पट्टा नं. 13	95	0	0	11
	मियादी पट्टा नं. 1	129	0	0	4
	सरकारी	130	0	0	4
	सरकारी	131	0	1	17
	मियादी पट्टा नं. 13	132	0	0	19

1	2	3	4			5
04. जागुन पथार नं. 2—जारी	मियादी पट्टा नं. 1	135	0	0	4	
	सरकारी	136	0	1	9	
	सरकारी	137	0	1	2	
	सरकारी	141	0	0	9	
	एकसना नं. 7	140	0	0	18	
	एकसना नं. 7	189	0	0	18	
	एकसना नं. 7	191	0	1	0	
	एकसना नं. 7	190	0	1	0	
	सरकारी	77	0	0	18	
	कुल क्षेत्रफल		**7**	**4**	**9**	
05 हाजुवा पथार	सरकारी	17	0	0	10	
	सरकारी	18	0	0	10	
	सरकारी	19	0	0	15	
	सरकारी	27	0	1	4	
	सरकारी	28	0	2	17	
	सरकारी	29	0	3	1	
	सरकारी	30	0	1	6	
	सरकारी	31	0	1	6	
	सरकारी	32	0	1	6	
	सरकारी	33	0	1	8	
	सरकारी	34	0	1	6	
	सरकारी	35	0	1	8	
	सरकारी	36	0	1	2	
	सरकारी	37	0	0	15	
	सरकारी	38	0	0	12	
	सरकारी	39	0	1	6	
	सरकारी	40	0	0	18	
	सरकारी	41	0	1	2	
	सरकारी	42	0	1	6	
	सरकारी	45	0	0	15	
	सरकारी	46	0	0	11	
	सरकारी	44	3	2	1	
	सरकारी	47	0	0	9	
	सरकारी	48	0	0	11	
	सरकारी	49	0	0	15	
	सरकारी	50	0	0	11	
	सरकारी	51	0	0	9	
	सरकारी	52	0	0	15	
	सरकारी	53	0	0	13	
	सरकारी	54	0	1	1	
	कुल क्षेत्रफल		**9**	**2**	**9**	

1	2	3	4		5
6. गेथुपथार प्रथम खण्ड	एकसना	97	0	4	19
	एकसना	98	0	0	7
	एकसना	100	0	0	4
	एकसना	179	1	4	18
	एकसना	191	0	0	4
	एकसना	197	1	2	14
	एकसना	194	0	1	17
	मियादी पट्टा नं.	195	0	1	13
	एकसनां	196	0	2	4
	सरकारी	193	0	1	17
	एकसना	198	0	2	11
	सरकारी	147	0	0	18
	एकसना	641	1	2	7
	एकसना	178	0	0	15
	कुल क्षेत्रफल		**8**	**2**	**12**
7(ए). गेथुपथार द्वितिय खण्ड	मियादी पट्टा नं. 25	619	0	2	10
	मियादी पट्टा नं. 31	621	0	0	2
	एकसना	620	0	0	2
	मियादी पट्टा नं. 11	566	0	3	6
	मियादी पट्टा नं. 73	565	0	1	17
	एकसना	554	0	1	17
	एकसना	555	0	1	17
	एकसना	495	0	0	9
	मियादी पट्टा नं. 66	496	0	3	15
	मियादी पट्टा नं.21	486	0	4	14
	एकसना	487	0	0	2
	मियादी पट्टा नं. 34	480	0	1	13
	सरकारी	494	0	2	0
	एकसना	473	0	2	0
	मियादी पट्टा नं. 5	474	0	0	18
	मियादी पट्टा नं. 105	475	0	1	1
	मियादी पट्टा नं. 68	476	0	0	8
	मियादी पट्टा नं. 5	380	0	2	5
	मियादी पट्टा नं. 39	379	0	1	19
	सरकारी	308	0	3	8
	मियादी पट्टा नं. 60	307	0	1	13
	सरकारी	293	0	1	7
	सरकारी	280	0	0	7
	सरकारी	281	0	0	10
	मियादी पट्टा नं. 13	547	0	0	2

1	2	3	4		5
	मियादी पट्टा नं. 25	375	0	4	8
	मियादी पट्टा नं. 46	298	1	2	12
	मियादी पट्टा नं. 8	378	0	0	15
	कुल क्षेत्रफल		**10**	**2**	**19**
07. (बी) गेथुपथार द्वितीय खण्ड	मियादी पट्टा नं. 62	478	0	I	19
	मियादी पट्टा नं. 68	477	0	1	13
	सरकारी	494	0	3	2
	मियादी पट्टा नं. 34	480	0	0	7
	कुल क्षेत्रफल		**1**	**2**	**1**
08. (ए) नगाँव डाडूमिया	मियादी पट्टा नं. 59	250	0	1	17
	मियादी पट्टा नं. 58	251	2	0	2
	मियादी पट्टा नं. 4	252	0	2	0
	सरकारी	253	0	0	4
	मियादी पट्टा नं. 43	254	0	1	19
	कुल क्षेत्रफल		**3**	**2**	**2**
08. (बी) नगाँव डाडूमिया	सरकारी	3	0	0	10
	सरकारी	4	0	0	8
	सरकारी	6	0	0	10
	मियादी पट्टा नं. 11	8	0	4	1
	मियादी पट्टा नं. 80	9	0	1	13
	मियादी पट्टा नं. 56	20	0	0	3
	मियादी पट्टा नं. 56	21	0	1	17
	मियादी पट्टा नं. 72	22	0	0	3
	मियादी पट्टा नं. 24	23	0	1	17
	मियादी पट्टा नं. 50	24	0	2	4
	मियादी पट्टा नं. 67	25	0	2	15
	सरकारी	26	0	0	15
	मियादी पट्टा नं. 54	28	0	1	2
	सरकारी	37	0	1	2
	मियादी पट्टा नं. 56	38	0	3	10
	मियादी पट्टा नं. 82	41	0	0	19
	एकसना	42	0	1	13
	मियादी पट्टा नं. 98	45	0	0	15
	मियादी पट्टा नं. 56	44	0	2	18
	एकसना	43	0	2	4
	कुल क्षेत्रफल		**6**	**0**	**19**
09. रंगाली पथार	सरकारी	45	0	1	0
	एकसना	47	0	0	6
	सरकारी	48	0	0	4
	एकसना	49	0	1	6

1	2	3	4		5
	सरकारी	50	0	1	8
	मियादी पट्टा नं. 84	58	0	4	1
	मियादी पट्टा नं. 84	59	0	1	6
	मियादी पट्टा नं. 136	173	0	3	6
	कुल क्षेत्रफल		**2**	**2**	**17**
10. लैंगरीजान चाय बगीचा	मियादी पट्टा	1	0	0	10
	मियादी पट्टा	2	0	4	12
	मियादी पट्टा	4	0	0	6
	सरकारी	144	0	0	5
	सरकारी	138	0	0	9
	सरकारी	143	2	0	19
	सरकारी	145	0	0	10
	कुल क्षेत्रफल		**3**	**2**	**11**
11. (ए) बालीजान माझी गाँव	मियादी पट्टा नं. 45	52	0	0	13
	मियादी पट्टा नं. 26	62	0	4	12
	मियादी पट्टा नं. 7	63	1	0	10
	सरकारी	69	0	1	2
	सरकारी	70	0	1	0
	मियादी पट्टा नं. 37	74	0	0	2
	मियादी पट्टा नं. 24	76	0	0	17
	एकसना	84	0	1	7
	मियादी पट्टा नं. 43	88	0	3	19
	मियादी पट्टा नं. 12	89	0	2	15
	सरकारी	93	1	1	3
	सरकारी	109	0	0	18
	मियादी पट्टा नं. 23	87	0	0	9
	कुल क्षेत्रफल		**5**	**4**	**7**
11. (बी) बालीजान माझी गाँव	मियादी पट्टा नं. 7	63	0	3	16
	मियादी पट्टा नं. 26	62	0	3	19
	मियादी पट्टा नं. 21	60	0	2	4
	मियादी पट्टा नं. 22	59	0	2	0
	मियादी पट्टा नं. 20	58	0	2	2
	मियादी पट्टा नं. 24	57	0	2	4
	मियादी पट्टा नं. 18	56	0	2	0
	कुल क्षेत्रफल		**3**	**3**	**15**
12. बालीजान चाय बगीचा सत्यनारायण टी. कम्पनी लिमिटेड, ग्रान्ट नं. 294 एन.आर.एल.	एन.आर.एल. नं. 294	1	2	2	11
	एन.आर.एल. नं. 294	6	0	3	13
	एन.आर.एल. नं. 294	10	0	0	5
	एन.आर.एल. नं. 294	17	0	0	5
	एन.आर.एल. नं. 294	18	2	1	12
	एन.आर.एल. नं. 294	20	0	0	5
	कुल क्षेत्रफल		**5**	**3**	**11**
13. बालीजान चाय बगीचा सत्यनरायण टी. कम्पनी लिमिटेड, डब्लु, एल, आवेदन नं. 4, 1921/22 प्रथम खण्ड एवं द्वितीय खंड	सरकारी	25	0	0	16
	चाय मियादी पट्टा नं. 1	28	0	0	13
	मियादी पट्टा नं. 1	29	0	1	19
	कुल क्षेत्रफल		**0**	**3**	**8**

1	2	3	4			5
14. डीघला सोनोवाल	मियादी पट्टा नं. 6	14	0	3	15	
	मियादी पट्टा नं. 25	15	0	3	15	
	मियादी पट्टा नं. 13	16	0	0	18	
	मियादी पट्टा नं. 45	17	0	0	18	
	मियादी पट्टा नं. 20	18	0	1	6	
	मियादी पट्टा नं. 22	19	0	0	18	
	मियादी पट्टा नं. 39	28	0	1	9	
	मियादी पट्टा नं. 11	27	0	1	8	
	मियादी पट्टा नं. 3	26	0	1	4	
	मियादी पट्टा नं. 47	25	0	1	4	
	मियादी पट्टा नं. 31	24	0	3	10	
	एकसना	92	0	0	17	
	एकसना	93	0	0	9	
	मियादी पट्टा नं. 12	94	0	0	9	
	एकसना	95	0	0	13	
	मियादी पट्टा नं. 14	96	0	0	13	
	मियादी पट्टा नं. 20	99	0	0	13	
	मियादी पट्टा नं. 10	100	0	0	17	
	मियादी पट्टा नं. 26	101	0	0	17	
	मियादी पट्टा नं. 21	102	0	0	17	
	मियादी पट्टा नं. 2	103	0	1	6	
	मियादी पट्टा नं. 35	104	0	1	11	
	मियादी पट्टा नं. 17	105	0	1	1	
	मियादी पट्टा नं. 48	107	0	2	8	
	मियादी पट्टा नं. 15	108	0	1	6	
	मियादी पट्टा नं. 46	109	0	3	17	
	मियादी पट्टा नं. 15	110	0	2	17	
	मियादी पट्टा नं. 19	111	0	1	16	
	सरकारी	170	0	0	7	
	एकसना	175	0	0	8	
	मियादी पट्टा नं. 8	176	0	1	8	
	मियादी पट्टा नं. 28	177	0	3	13	
	मियादी पट्टा नं. 28	178	0	1	14	
	मियादी पट्टा नं. 15	180	0	1	9	
	मियादी पट्टा नं. 46	185	0	3	12	
	सरकारी	1	0	0	7	
	कुल क्षेत्रफल		**11**	**1**	**0**	
15. नं. 1 बालीजान	सरकारी	5	0	0	18	
	सरकारी	6	0	0	11	
	सरकारी	7	0	0	7	

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15. नं. 1 बालीजान	सरकारी	8	0	0	11
	सरकारी	9	0	0	7
	सरकारी	10	0	0	11
	मियादी पट्टा नं. 24	16	0	4	15
	मियादी पट्टा नं. 33	56	0	3	13
	मियादी पट्टा नं. 3	84	0	2	13
	एकसना	11	0	2	15
	मियादी पट्टा नं. 53	12	0	0	18
	मियादी पट्टा नं. 76	13	0	0	6
	एकसना	14	0	0	9
	कुल क्षेत्रफल		**4**	**3**	**14**
16. नं. 1 पोवाली पथार	सरकारी	203	0	1	8
	सरकारी	202	0	0	7
	सरकारी	201	0	0	7
	सरकारी	200	0	0	7
	मियादी पट्टा नं. 21	175	0	1	17
	सरकारी	176	1	1	3
	मियादी पट्टा नं. 22	177	0	0	6
	मियादी पट्टा नं. 42	143	1	1	14
	मियादी पट्टा नं. 3	98	1	2	1
	मियादी पट्टा नं. 19	97	0	3	13
	मियादी पट्टा नं. 43	83	0	3	2
	मियादी पट्टा नं. 25	79	1	4	0
	मियादी पट्टा नं. 25	80	0	0	5
	मियादी पट्टा नं. 11	81	0	0	4
	सरकारी	39	2	3	4
	एकसना	44	0	0	18
	मियादी पट्टा नं. 30	45	0	1	17
	मियादी पट्टा नं. 21	46	0	0	13
	सरकारी	47	0	0	18
	एकसना	49	0	0	9
	मियादी पट्टा नं. 21	55	0	3	17
	एकसना	51	0	2	10
	मियादी पट्टा नं. 56	43	0	2	11
	एकसना	52	0	1	8
	कुल क्षेत्रफल		**13**	**3**	**19**
17. असोमिया गाँव	मियादी पट्टा नं. 198	365	0	3	12
	मियादी पट्टा नं. 198	367	0	0	8
	सरकारी	366	1	0	10
	सरकारी	370	0	1	2

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17. असोमिया गाँव	मियादी पट्टा नं. 148	371	1	1	7
	मियादी पट्टा नं. 180	374	0	3	19
	मियादी पट्टा नं. 50	359	0	1	2
	मियादी पट्टा नं. 214	452	0	2	11
	मियादी पट्टा नं. 64	455	0	1	9
	मियादी पट्टा नं. 4	456	0	1	0
	मियादी पट्टा नं. 75	457	0	3	6
	मियादी पट्टा नं. 140	450	0	3	13
	मियादी पट्टा नं. 148	491	0	3	10
	मियादी पट्टा नं. 263	492	0	0	15
	सरकारी	497	0	1	6
	सरकारी	498	0	1	13
	सरकारी	499	0	2	10
	मियादी पट्टा नं. 7	530	0	0	1
	मियादी पट्टा नं. 147	537	0	3	8
	मियादी पट्टा नं. 109	538	0	2	0
	मियादी पट्टा नं. 210	578	0	2	19
	सरकारी	580	0	0	2
	मियादी पट्टा नं. 21	577	0	1	17
	मियादी पट्टा नं. 192	581	0	0	1
	मियादी पट्टा नं. 87	582	0	1	6
	मियादी पट्टा नं. 203	583	0	0	18
	मियादी पट्टा नं. 192	584	0	2	11
	मियादी पट्टा नं. 75	595	0	1	17
	मियादी पट्टा नं. 75	594	0	1	19
	मियादी पट्टा नं. 182	615	0	1	17
	मियादी पट्टा नं. 184	614	0	1	6
	मियादी पट्टा नं. 243	613	0	2	4
	मियादी पट्टा नं. 245	634	0	2	10
	मियादी पट्टा नं. 101	635	0	0	19
	मियादी पट्टा नं. 206	633	0	2	8
	मियादी पट्टा नं. 150	631	0	2	11
	मियादी पट्टा नं. 15	660	0	2	11
	मियादी पट्टा नं. 59	373	0	0	5
	मियादी पट्टा नं. 234	443	0	0	7
	मियादी पट्टा नं. 165	632	0	2	0
	मियादी पट्टा नं. 204	576	0	0	10
	कुल क्षेत्रफल		**16**	**2**	**0**

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18. बालीमोरा पथार	मियादी पट्टा नं. 15	8	0	3	13
	मियादी पट्टा नं. 16	9	0	0	5
	मियादी पट्टा नं. 10	13	0	2	11
	मियादी पट्टा नं. 3	19	0	2	0
	एकसना	20	0	2	9
	मियादी पट्टा नं. 4	49	0	4	1
	मियादी पट्टा नं. 15	50	0	2	0
	सरकारी	59	0	0	7
	सरकारी	101	0	2	10
	सरकारी	102	0	2	15
	सरकारी	126	0	2	19
	मियादी पट्टा नं. 19	63	0	1	17
	सरकारी	142	0	3	2
	मियादी पट्टा नं. 53	143	0	0	9
	सरकारी	36	0	0	15
	मियादी पट्टा नं. 24	64	1	2	10
	कुल क्षेत्रफल		7	4	3
19. डिरीयाल गाँव	सरकारी	1	1	0	1
	सरकारी	2	0	0	11
	सरकारी	3	0	1	2
	सरकारी	4	0	0	15
	मियादी पट्टा नं. 50	7	1	0	19
	मियादी पट्टा नं. 34	8	0	2	13
	एकसना	11	0	1	6
	मियादी पट्टा नं. 14	89	0	3	2
	मियादी पट्टा नं. 30	88	0	1	9
	सरकारी	87	0	0	14
	सरकारी	83	0	0	2
	सरकारी	82	0	1	6
	मियादी पट्टा नं. 74	80	0	0	19
	एकसना	79	0	1	11
	सरकारी	108	0	0	2
	सरकारी	109	0	2	2
	मियादी पट्टा नं. 75	114	0	3	1
	मियादी पट्टा नं. 75	131	0	2	13
	मियादी पट्टा नं. 70	132	0	1	7
	मियादी पट्टा नं. 20	133	0	0	19
	मियादी पट्टा नं. 55	134	0	1	0
	मियादी पट्टा नं. 49	215	0	2	4
	मियादी पट्टा नं. 70	214	0	1	4

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19. डिरीयाल गाँव	मियादी पट्टा नं. 32	213	0	1	8
	मियादी पट्टा नं. 6	212	0	1	17
	मियादी पट्टा नं. 32	211	0	1	0
	मियादी पट्टा नं. 1	210	0	0	5
	एकसना	233	0	0	5
	मियादी पट्टा नं. 9	245	0	1	9
	सरकारी	244	0	0	7
	मियादी पट्टा नं. 13	243	0	0	10
	मियादी पट्टा नं. 63	242	0	0	6
	एकसना	241	0	2	6
	मियादी पट्टा नं. 78	231	0	1	7
	मियादी पट्टा नं. 66	235	0	0	10
	एकसना	239	0	1	2
	सरकारी	253	0	0	2
	मियादी पट्टा नं. 56	254	0	1	11
	मियादी पट्टा नं. 1	284	0	0	10
	मियादी पट्टा नं. 81	285	0	2	11
	मियादी पट्टा नं. 60	286	0	0	1
	सरकारी	287	0	2	5
	मियादी पट्टा नं. 42	289	0	1	13
	सरकारी	290	0	2	11
	मियादी पट्टा नं. 14	291	0	0	2
	मियादी पट्टा नं. 31	294	0	1	4
	मियादी पट्टा नं. 3	295	1	0	3
	मियादी पट्टा नं. 28	296	1	0	1
	मियादी पट्टा नं. 61	302	0	2	13
	एकसना	303	1	1	7
	सरकारी	255	0	0	2
	कुल क्षेत्रफल		**17**	**0**	**10**
20. हिन्दू गाँव	सरकारी	171	0	0	18
	मियादी पट्टा नं. 3	173	0	1	6
	मियादी पट्टा नं. 32	177	0	0	9
	मियादी पट्टा नं. 32	178	0	1	6
	मियादी पट्टा नं. 22	179	0	2	8
	कुल क्षेत्रफल		**1**	**1**	**7**
21. तोराटोली	सरकारी	11	0	0	6
	मियादी पट्टा नं. 101	3	0	4	15
	मियादी पट्टा नं. 3	4	0	0	10
	मियादी पट्टा नं. 81	13	1	1	16
	मियादी पट्टा नं. 98	47	0	3	4

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	मियादी पट्टा नं. 98	51	0	0	11
	मियादी पट्टा नं. 98	52	0	0	6
	मियादी पट्टा नं. 98	54	0	2	4
	मियादी पट्टा नं. 45	15	0	1	17
	मियादी पट्टा नं. 66	16	0	4	12
	मियादी पट्टा नं. 98	55	0	2	11
	मियादी पट्टा नं. 98	80	0	3	4
	मियादी पट्टा नं. 67	81	0	0	9
	मियादी पट्टा नं. 98	82	0	0	8
	मियादी पट्टा नं. 96	94	1	0	8
	सरकारी	95	0	0	10
	मियादी पट्टा नं. 51	97	0	0	10
	मियादी पट्टा नं. 51	146	0	1	6
	मियादी पट्टा नं. 120	135	0	0	5
	मियादी पट्टा नं. 70	145	0	3	13
	मियादी पट्टा नं. 94	150	0	0	5
	एकसना	140	0	0	14
	मियादी पट्टा नं. 118	141	0	0	3
	मियादी पट्टा नं. 62	144	0	0	13
	सरकारी	165	0	0	7
	मियादी पट्टा नं. 56	182	0	3	10
	चाय मियादी पट्टा नं. 1	416	0	0	6
	मियादी पट्टा नं. 44	183	0	2	15
	चाय मियादी पट्टा नं. 1	415	0	0	4
	मियादी पट्टा नं. 10	384	0	2	15
	चाय मियादी पट्टा नं. 1	385	0	0	2
	मियादी पट्टा नं. 97	386	0	0	2
19. डिरीयाल गाँव	मियादी पट्टा नं. 125	387	0	0	13
	मियादी पट्टा नं. 97	388	0	1	2
	मियादी पट्टा नं. 120	412	0	2	11
	मियादी पट्टा नं. 2	411	0	3	10
	मियादी पट्टा नं. 2	410	0	2	17
	मियादी पट्टा नं. 1	417	0	0	4
	सरकारी	399	0	0	4
	कुल क्षेत्रफल		**13**	**1**	**2**
22. कछारी पथार	एकसना	4	0	1	11
	एकसना	5	0	1	0
	मियादी पट्टा नं. 73	27	0	3	13
	मियादी पट्टा नं. 53	28	1	0	1
	एकसना	40	1	3	12

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	मियादी पट्टा नं. 24	50	0	0	5
	मियादी पट्टा नं. 22	49	0	0	3
	मियादी पट्टा नं. 34	51	0	3	1
	मियादी पट्टा नं. 7	54	0	1	6
	मियादी पट्टा नं. 7	55	0	0	5
	एकसना	56	0	1	13
	एकसना	58	0	1	12
	मियादी पट्टा नं. 10	71	0	4	12
	मियादी पट्टा नं. 15	77	1	1	6
	मियादी पट्टा नं. 10	81	2	1	8
	मियादी पट्टा नं. 5	79	0	0	2
	मियादी पट्टा नं. 50	84	0	1	0
	सरकारी	82	0	0	3
	मियादी पट्टा नं. 10	83	0	1	6
	मियादी पट्टा नं. 10	96	0	0	13
	सरकारी	220	0	0	7
	मियादी पट्टा नं. 35	100	0	3	15
	मियादी पट्टा नं. 45	102	0	3	4
	मियादी पट्टा नं. 57	107	0	2	8
	मियादी पट्टा नं. 4	144	0	3	4
	मियादी पट्टा नं. 3	145	0	0	10
	मियादी पट्टा नं. 18	147	0	3	13
	सरकारी	160	0	0	4
	मियादी पट्टा नं. 43	161	1	0	10
	मियादी पट्टा नं. 2	162	0	4	13
	मियादी पट्टा नं. 2	163	0	3	2
	मियादी पट्टा नं. 50	147	0	0	9
	मियादी पट्टा नं. 25	175	0	2	0
	मियादी पट्टा नं. 26	176	0	3	12
	मियादी पट्टा नं. 9	178	0	1	9
	कुल क्षेत्रफल		**18**	**2**	**12**
23 हाफजानपर्वत चाय बगीचा ग्रान्ट नं. 104/101 एन.आर.एल.	सरकारी	77	0	1	13
	सरकारी	80	0	1	8
	सरकारी	81	0	2	13
	सरकारी	82	0	0	8
	कुल क्षेत्रफल		**1**	**1**	**2**
24. नोगा माटी खेरेमियाँ गाँव	मियादी पट्टा नं. 44	59	0	0	2
	एकसना	60	0	0	13
	एकसना	61	0	0	15
	मियादी पट्टा नं. 21	62	0	1	12
	मियादी पट्टा नं. 133	282	0	2	19
	मियादी पट्टा नं. 36	289	0	1	0

1	2	3	4		5
	मियादी पट्टा नं. 112	290	0	2	15
	मियादी पट्टा नं. 64	291	0	0	8
	मियादी पट्टा नं. 103	369	0	1	10
	मियादी पट्टा नं. 38	370	1	2	18
	मियादी पट्टा नं. 74	382	0	2	19
	मियादी पट्टा नं. 64	280	0	0	9
	कुल क्षेत्रफल		**4**	**3**	**0**

[सं. ओ.-12016/01/2000-ओ एन जी-डी-IV]

एन. सी. जाखूप, अवर सचिव

New Delhi, the 4th July, 2003

S.O. 1919.—Whereas it appears to the Central Government that it is necessary in the public interest for supply of natural gas to the Namrup Thermal Power Station of Assam State Electricity Board in the District of Dibrugarh, Assam, pipeline should be laid from Duliajan to Namrup by Assam Gas Company Limited, Duliajan.

And whereas, it appears that for the purpose of laying such pipeline it is necessary to acquire the Right of User in Land described in the schedule annexed hereto.

Now, therefore, in exercise of the powers conferred by Sub-section (1) of Section 3 of the Petroleum Pipeline (Acquisition of Right of User in Land) Act, 1962 (50 of 1962) the Central Government hereby declares its intention to acquire the right of user therein.

Any person interested in the said land may within 21 days from the date of this notification send objections and suggestions to the laying of the pipeline under the land to the competent authority, namely the Deputy Commissioner, Dibrugarh District, Assam.

And every person making such objections and suggestion may also state whether he wishes to be heard in person or by a legal practitioner.

SCHEDULE

State : Assam | Distt : Dibrugarh | Mouza : Kheremia

Sl. No.	Name of Village	Patta No.	Dag No.	Area B	Area K	Area L	Remarks
01.	Chalakataki No. 1	P.P. No. 78	296	0	3	17	
		P.P. No. 52	298	0	1	7.5	
		P.P. No. 52	299	0	1	15	
		Wasteland	307	0	0	6	
		P.P. No. 85	302	0	2	11	
		Annual	201	0	4	2	
		Annual	304	0	0	17	
		Annual	320	0	2	19	
		Annual	321	0	2	13	
		P.P. No. 81	346	0	0	13	
		Annual	347	0	2	0	
		TOTAL AREA		**4**	**2**	**14.5**	
02.	Chalakataki No. 2	Wasteland	104	1	0	6	
		Wasteland	103	2	0	9	
		Wasteland	101	0	3	13	
		Wasteland	10B	0	0	18	
		TOTAL AREA		**4**	**0**	**6**	

1	2	3	4			5
03. Jagun Pathar No. 1	Wasteland	14	0	0	11	
	Wasteland	17	0	0	11	
	Wasteland	18	0	0	11	
	Wasteland	19	1	4	17	
	Annual	22	0	2	6	
	Annual	27	0	2	6	
	P.P. No. 33	28	0	1	17	
	Wasteland	29	0	2	19	
	P.P. No. 10	42	0	0	10	
	Wasteland	20	0	0	15	
	Wasteland	21	0	0	11	
	TOTAL AREA		**4**	**2**	**14**	
04. Jagun Pathar No. 2	Wasteland	38	0	1	6	
	Wasteland	13	0	1	17	
	P.P. No. 16	23	0	0	11	
	Annual No. 7	24	0	1	0	
	Annual No. 26	25	0	1	2	
	Wasteland	26	0	2	15	
	Wasteland	31	0	1	2	
	P.P. No. 36	37	1	0	10	
	P.P. No. 2	41	1	0	10	
	P.P. No. 2	61	0	1	17	
	P.P. No. 13	91	1	0	6	
	P.P. No. 13	95	0	0	11	
	P.P. No. 1	129	0	0	4	
	Wasteland	130	0	0	4	
	Wasteland	131	0	1	17	
	P.P. No. 13	132	0	0	19	
	P.P. No. 1	135	0	0	4	
	Wasteland	136	0	1	9	
	Wasteland	137	0	1	2	
	Wasteland	141	0	0	9	
	Annual No. 7	140	0	0	18	
	Annual No. 7	189	0	0	18	
	Annual No. 7	191	0	1	0	
	Annual No. 7	190	0	1	0	
	Wasteland	77	0	0	18	
	TOTAL AREA		**7**	**4**	**9**	
05 Hajuwapathar	Wasteland	17	0	0	10	
	Wasteland	18	0	0	10	
	Wasteland	19	0	0	15	
	Wasteland	27	0	1	4	
	Wasteland	28	0	2	17	
	Wasteland	29	0	3	1	
	Wasteland	30	0	1	6	
	Wasteland	31	0	1	6	
	Wasteland	32	0	1	6	

1	2	3	4			5
05. Haguwapathar—(Contd.)	Wasteland	33	0	1	8	
	Wasteland	34	0	1	6	
	Wasteland	35	0	1	8	
	Wasteland	36	0	1	2	
	Wasteland	37	0	0	15	
	Wasteland	38	0	0	12	
	Wasteland	39	0	1	6	
	Wasteland	40	0	0	18	
	Wasteland	41	0	1	2	
	Wasteland	42	0	1	6	
	Wasteland	45	0	0	15	
	Wasteland	46	0	0	11	
	Wasteland	44	3	2	1	
	Wasteland	47	0	0	9	
	Wasteland	48	0	0	11	
	Wasteland	49	0	0	15	
	Wasteland	50	0	0	11	
	Wasteland	51	0	0	9	
	Wasteland	52	0	0	15	
	Wasteland	53	0	0	13	
	Wasteland	54	0	1	1	
	TOTAL AREA		**9**	**2**	**9**	
06. Gethupathar 1st Part	Annual	97	0	4	19	
	Annual	98	0	0	7	
	Annual	100	0	0	4	
	Annual	179	1	4	18	
	Annual	191	0	0	4	
	Annual	197	1	2	14	
	Annual	194	0	1	17	
	P.P. No. 95	195	0	1	13	
	Annual	196	0	2	4	
	Wasteland	193	0	1	17	
	Annual	198	0	2	11	
	Wasteland	147	0	0	18	
	Annual	641	1	2	7	
	Annual	178	0	0	15	
	TOTAL AREA		**8**	**2**	**12**	
07(A). Gethupathar 2nd Part	P.P. No. 25	619	0	2	10	
	P.P. No. 31	621	0	0	2	
	Annual	620	0	0	2	
	P.P. No. 11	566	0	3	6	
	P.P. No. 73	565	0	1	17	
	Annual	554	0	1	17	
	Annual	555	0	1	17	
	Annual	495	0	0	9	
	P.P. No. 66	496	0	3	15	

1		2	3	4			5
07(A).	Gethupathar 2nd Part—(Contd.)	P.P. No. 21	486	0	4	14	
		Annual	487	0	0	2	
		P.P. No. 34	480	0	1	13	
		Wasteland	494	0	2	0	
		Annual	473	0	2	0	
		P.P. No. 5	474	0	0	18	
		P.P. No. 105	475	0	1	1	
		P.P. No. 68	476	0	0	8	
		P.P. No. 5	380	0	2	5	
		P.P. No. 39	379	0	1	19	
		Wasteland	308	0	3	8	
		P.P. No. 60	307	0	1	13	
		Wasteland	293	0	1	7	
		Wasteland	280	0	0	7	
		Wasteland	281	0	0	10	
		P.P. No. 13	547	0	0	2	
		P.P. No. 25	375	0	4	8	
		P.P. No. 46	298	1	2	12	
		P.P. No. 8	378	0	0	15	
		TOTAL AREA		**10**	**2**	**19**	
07(B).	Gethupathar 2nd Part	P.P. No. 62	478	0	1	19	
		P.P. No. 68	477	0	1	13	
		Wasteland	494	0	3	2	
		P.P. No. 34	480	0	0	7	
		TOTAL AREA		**1**	**2**	**1**	
08(A).	Nogaon Dhadumia	P.P. No. 59	250	0	1	17	
		P.P. No. 58	251	2	0	2	
		P.P. No. 4	252	0	2	0	
		Wasteland	253	0	0	4	
		P.P. No. 43	254	0	1	19	
		TOTAL AREA		**3**	**2**	**2**	
08(B).	Noaon Dhadumia	Wasteland	3	0	0	10	
		Wasteland	4	0	0	8	
		Wasteland	6	0	0	10	
		P.P. No. 11	8	0	4	1	
		P.P. No. 80	9	0	1	13	
		P.P. No. 56	20	0	0	3	
		P.P. No. 56	21	0	1	17	
		P.P. No. 72	22	0	0	3	
		P.P. No. 24	23	0	1	17	
		P.P. No. 50	24	0	2	4	
		P.P. No. 67	25	0	2	15	
		Wasteland	26	0	0	15	
		P.P. No. 54	28	0	1	2	
		Wasteland	37	0	1	2	
		P.P. No. 56	38	0	3	10	

1	2	3	4		
08 (B). Nagaon Dhadumia—(Contd.)	P.P. No. 82	41	0	0	19
	Annual	42	0	1	13
	P.P. No. 98	45	0	0	15
	P.P. No. 56	44	0	2	18
	Annual	43	0	2	4
	TOTAL AREA		**6**	**0**	**19**
09 Rangalipathar	Wasteland	45	0	1	0
	Annual	47	0	0	6
	Wasteland	48	0	0	4
	Annual	49	0	1	6
	Wasteland	50	0	1	8
	P.P. No. 84	58	0	4	1
	P.P. No. 84	59	0	1	6
	P.P. No. 136	173	0	3	6
	TOTAL AREA		**2**	**2**	**17**
10 Lengrijan Chabagicha	P.P.	1	0	0	10
	P.P.	2	0	4	12
	P.P.	4	0	0	6
	Wasteland	144	0	0	5
	Wasteland	138	0	0	9
	Wasteland	143	2	0	19
	Wasteland	145	0	0	10
	TOTAL AREA		**3**	**2**	**11**
11(A). Balijan Mazi Gaon	P.P. No. 45	52	0	0	13
	P.P. No. 26	62	0	4	12
	P.P. No. 7	63	1	0	10
	Wasteland	69	0	1	2
	Wasteland	70	0	1	0
	P.P. No. 37	74	0	0	2
	P.P. No. 24	76	0	0	17
	Annual	84	0	1	7
	P.P. No. 43	88	0	3	19
	P.P. No. 12	89	0	2	15
	Wasteland	93	1	1	3
	Wasteland	109	0	0	18
	P.P. No. 23	87	0	0	9
	TOTAL AREA		**5**	**4**	**7**
11(B). Balijan Mazi Gaon	P.P. No. 7	63	0	3	6
	P.P. No. 26	62	0	3	19
	P.P. No. 21	60	0	2	4
	P.P. No. 22	59	0	2	0
	P.P. No. 20	58	0	2	2
	P.P. No. 24	57	0	2	4
	P.P. No. 18	56	0	2	0
	TOTAL AREA		**3**	**3**	**15**

1	2	3	4		5
12. Balijan Chabagicha, Satyanarayan Tea Company Ltd. Grant No. 294 NLR	NLR No. 294	1	2	2	11
	NLR No. 294	6	0	3	13
	NLR No. 294	10	0	0	5
	NLR No. 294	17	0	0	5
	NLR No. 294	18	2	1	12
	NLR No. 294	20	0	0	5
	TOTAL AREA		**5**	**3**	**11**
13. Balijan Chabagicha, Satyanarayan Tea Company Ltd. W.L. Application No.4, 1921/22 1st Part & 2nd Part.	Wasteland	25	0	0	16
	T.P.P. No. 1	28	0	0	13
	P.P. No. 1	29	0	1	19
	TOTAL AREA		**0**	**3**	**8**
14. Dighala Sonowal	P.P. No. 6	14	0	3	15
	P.P. No. 25	15	0	3	15
	P.P. No. 13	16	0	0	18
	P.P. No. 45	17	0	0	18
	P.P. No. 20	18	0	1	6
	P.P. No. 22	19	0	0	18
	P.P. No. 39	28	0	1	9
	P.P. No. 11	27	0	1	8
	P.P. No. 3	26	0	1	4
	P.P. No. 47	25	0	1	4
	P.P. No. 31	24	0	3	10
	Annual	92	0	0	17
	Annual	93	0	0	9
	P.P. No. 12	94	0	0	9
	Annual	95	0	0	13
	P.P. No. 14	96	0	0	13
	P.P. No. 20	99	0	0	13
	P.P. No. 10	100	0	0	17
	P.P. No. 26	101	0	0	17
	P.P. No. 21	102	0	0	17
	P.P. No. 2	103	0	1	6
	P.P. No. 35	104	0	1	11
	P.P. No. 17	105	0	1	1
	P.P. No. 48	107	0	2	8
	P.P. No. 15	108	0	1	6
	P.P. No. 46	109	0	3	17
	P.P. No. 15	110	0	2	17
	P.P. No. 19	111	0	1	16
	Westland	170	0	0	7
	Annual	175	0	0	8
	P.P. No. 8	176	0	1	8
	P.P. No. 28	177	0	3	13
	P.P. No. 28	178	0	1	14
	P.P. No. 15	180	0	1	9

1	2	3	4		5
	P.P. No. 46	185	0	3	12
	Wasteland	1	0	0	7
	TOTAL AREA		**11**	**1**	**0**
15 No. 1 Balijan	Wasteland	5	0	0	18
	Wasteland	6	0	0	11
	Wasteland	7	0	0	7
	Wasteland	8	0	0	11
	Wasteland	9	0	0	7
	Wasteland	10	0	0	11
	P.P. No. 24	16	0	4	15
	P.P. No. 33	56	0	3	13
	P.P. No. 3	84	0	2	13
	Annual	11	0	2	15
	P.P. No. 53	12	0	0	18
	P.P. No. 76	13	0	0	6
	Annual	14	0	0	9
	TOTAL AREA		**4**	**3**	**14**
16. No. 1 Powali Pathar	Wasteland	203	0	1	8
	Wasteland	202	0	0	7
	Wasteland	201	0	0	7
	Wasteland	200	0	0	7
	P.P. No. 21	175	0	1	17
	Wasteland	176	1	1	3
	P.P. No. 22	177	0	0	6
	P.P. No. 42	143	1	1	14
	P.P. No. 3	98	1	2	1
	P.P. No. 19	97	0	3	13
	P.P. No. 43	83	0	3	2
	P.P. No. 25	79	1	4	0
	P.P. No. 25	80	0	0	5
	P.P. No. 11	81	0	0	4
	Wasteland	39	2	3	4
	Annual	44	0	0	18
	P.P. No. 30	45	0	1	17
	P.P. No. 21	46	0	0	13
	Westeland	47	0	0	18
	Annual	49	0	0	9
	P.P. No. 21	55	0	3	17
	Annual	51	0	2	10
	P.P. No. 56	43	0	2	11
	Annual	52	0	1	8
	TOTAL AREA		**13**	**3**	**19**
17. Asomia Gaon	P.P. No. 198	365	0	3	12
	P.P. No. 198	367	0	0	8
	Wasteland	366	1	0	10
	Wasteland	370	0	1	2

1	2	3	4		5
	P.P. No. 148	371	1	1	7
	P.P. No. 180	374	0	3	19
	P.P. No. 50	359	0	1	2
	P.P. No. 214	452	0	2	11
	P.P. No. 64	455	0	1	9
	P.P. No. 4	456	0	1	0
	P.P. No. 75	457	0	3	6
	P.P. No. 140	450	0	3	13
	P.P. No. 148	491	0	3	10
	P.P. No. 263	492	0	0	18
	Wasteland	497	0	1	6
	Wasteland	498	0	1	13
	Wasteland	499	0	2	10
	P.P. No. 7	530	0	0	1
	P.P. No. 147	537	0	3	8
	P.P. No. 109	538	0	2	0
	P.P. No. 210	578	0	2	19
	Wasteland	580	0	0	2
	P.P. No. 21	577	0	1	17
	P.P. No. 192	581	0	0	1
	P.P. No. 87	582	0	1	6
	P.P. No. 203	583	0	0	18
	P.P. No. 192	584	0	2	11
	P.P. No. 75	595	0	1	17
	P.P. No. 75	594	0	1	19
	P.P. No. 182	615	0	1	17
	P.P. No. 184	614	0	1	6
	P.P. No. 243	613	0	2	4
	P.P. No. 245	634	0	2	10
	P.P. No. 101	635	0	0	19
	P.P. No. 206	633	0	2	8
	P.P. No. 150	631	0	2	11
	P.P. No. 15	660	0	2	11
	P.P. No. 59	373	0	0	5
	P.P. No. 234	443	0	0	7
	P.P. No. 165	632	0	2	0
	P.P. No. 204	576	0	0	10
	TOTAL AREA		**16**	**2**	**0**

1	2	3	4		5
18. Balimora Pathar	P.P. No. 15	8	0	3	13
	P.P. No. 16	9	0	0	5
	P.P. No. 10	13	0	2	11
	P.P. No. 3	19	0	2	0
	Annual	20	0	2	9
	P.P. No. 4	49	0	4	1
	P.P. No. 15	50	0	2	0
	Wasteland	59	0	0	7
	Wasteland	101	0	2	10
	Wasteland	102	0	2	15
	Wasteland	126	0	2	19
	P.P. No. 19	63	0	1	17
	Wasteland	142	0	3	2
	P.P. No. 53	143	0	0	9
	Wasteland	36	0	0	15
	P.P. No. 24	64	1	2	10
	TOTAL AREA		**7**	**4**	**3**
19. Derial Gaon	Wasteland	1	1	0	1
	Wasteland	2	0	0	11
	Wasteland	3	0	1	2
	Wasteland	4	0	0	15
	P.P. No. 50	7	1	0	19
	P.P. No. 34	8	0	2	13
	Annual	11	0	1	6
	P.P. No. 14	89	0	3	2
	P.P. No. 30	88	0	1	9
	Wasteland	87	0	0	14
	Wasteland	83	0	0	2
	Wasteland	82	0	1	6
	P.P. No. 74	80	0	0	19
	Annual	79	0	1	11
	Wasteland	108	0	0	2
	Wasteland	109	0	2	2
	P.P. No. 75	114	0	3	1
	P.P. No. 75	131	0	2	13
	P.P. No. 70	132	0	1	7
	P.P. No. 20	133	0	0	19
	P.P. No. 55	134	0	1	0
	P.P. No. 49	215	0	2	4
	P.P. No. 70	214	0	1	4
	P.P. No. 32	213	0	1	8
	P.P. No. 6	212	0	1	17
	P.P. No. 32	211	0	1	0

1	2	3	4	5	6	7	8
	Derial Gaon	P.P. No. 1	210	0	0	5	
		Annual	233	0	0	5	
		P.P. No. 9	245	0	1	9	
		Wasteland	244	0	0	7	
		P.P. No. 13	243	0	0	10	
		P.P. No. 63	242	0	0	6	
		Annual	241	0	2	6	
		P.P. No. 78	231	0	1	7	
		P.P. No. 66	235	0	0	10	
		Annual	239	0	1	2	
		Wasteland	253	0	0	2	
		P.P. No. 56	254	0	1	11	
		P.P. No. 1	284	0	0	10	
		P.P. No. 81	285	0	2	11	
		P.P. No. 60	286	0	0	1	
		Wasteland	287	0	2	5	
		P.P. No. 42	289	0	1	13	
		Wasteland	290	0	2	11	
		P.P. No. 14	291	0	0	2	
		P.P. No. 31	294	0	1	4	
		P.P. No. 3	295	1	0	3	
		P.P. No. 28	296	1	0	1	
		P.P. No. 61	302	0	2	13	
		Annual	303	1	1	7	
		Wasteland	255	0	0	2	
		TOTAL AREA		**17**	**0**	**10**	
20.	Hindu Gaon	Wasteland	171	0	0	18	
		P.P. No. 3	173	0	1	6	
		P.P. No. 32	177	0	0	9	
		P.P. No. 32	178	0	1	6	
		P.P. No. 22	179	0	2	8	
		TOTAL AREA		**1**	**1**	**7**	
21	Taralolee	Wasteland	11	0	0	6	
		P.P. No. 101	3	0	4	15	
		P.P. No. 3	4	0	0	10	
		P.P. No. 81	13	1	1	16	
		P.P. No. 98	47	0	3	4	
		P.P. No. 98	51	0	0	11	
		P.P. No. 98	52	0	0	6	

1	2	3	4	5	6	7	8
21.	Taralolee—(Contd.)	P.P. No. 98	54	0	2	4	
		P.P. No. 45	15	0	1	17	
		P.P. No. 66	16	0	4	12	
		P.P. No. 98	55	0	2	11	
		P.P. No. 98	80	0	3	4	
		P.P. No. 67	81	0	0	9	
		P.P. No. 98	82	0	0	8	
		P.P. No. 96	94	1	0	8	
		Wasteland	95	0	0	10	
		P.P. No. 51	97	0	0	10	
		P.P. No. 51	146	0	1	6	
		P.P. No. 120	135	0	0	5	
		P.P. No. 70	145	0	3	13	
		P.P. No. 94	150	0	0	5	
		Annual	140	0	0	14	
		P.P. No.118	141	0	0	3	
		P.P. No. 62	144	0	0	13	
		Wasteland	165	0	0	7	
		P.P. No. 56	182	0	3	10	
		T.P.P. No. 1	416	0	0	6	
		P.P. No. 44	183	0	2	15	
		T.P.P. No. 1	415	0	0	4	
		P.P. No. 10	384	0	2	15	
		T.P.P. No. 1	385	0	0	2	
		P.P. No. 97	386	0	0	2	
		P.P. No. 125	387	0	0	13	
		P.P. No. 97	388	0	1	2	
		P.P. No. 120	412	0	2	11	
		P.P. No. 2	411	0	3	10	
		P.P. No. 2	410	0	2	17	
		T.P.P. No. 1	417	0	0	4	
		Wasteland	399	0	0	4	
		TOTAL AREA		**13**	**1**	**2**	
	22. Kachari Pathar	Annual	4	0	1	11	
		Annual	5	0	1	0	
		P.P. No. 73	27	0	3	13	
		P.P. No. 53	28	1	0	1	
		Annual	40	1	3	12	
		P.P. No. 24	50	0	0	5	
		P.P. No. 22	49	0	0	3	
		P.P. No. 34	51	0	3	1	
		P.P. No. 7	54	0	1	6	
		P.P. No. 7	55	0	0	5	
		Annual	56	0	1	13	
		Annual	58	0	1	12	
		P.P. No. 10	71	0	4	12	
		P.P. No. 15	77	1	1	K	

1	2	3	4	5	6	7	8
	Kachari Pathar	P. No. 10	81	2	1	8	
		P.P. No. 5	79	0	0	2	
		P.P. No. 50	84	0	1	0	
		Wasteland	82	0	0	3	
		P.P. No. 10	83	0	1	6	
		P.P. No. 10	96	0	0	13	
		Wasteland	220	0	0	7	
		P.P. No. 35	100	0	3	15	
		P.P. No. 45	102	0	3	4	
		P.P. No. 57	107	0	2	8	
		P.P. No. 4	144	0	3	4	
		P.P. No. 3	145	0	0	10	
		P.P. No. 18	147	0	3	13	
		Wasteland	160	0	0	4	
		P.P. No. 43	161	1	0	10	
		P.P. No. 2	162	0	4	13	
		P.P. No. 2	163	0	3	2	
		P.P. No. 50	147	0	0	9	
		P.P. No. 25	175	0	2	0	
		P.P. No. 26	176	0	3	12	
		P.P. No. 9	178	0	1	9	
		TOTAL AREA		**18**	**2**	**12**	
23.	Hapjanparbat Cha-Bagicha Grant No. 104/101 NLR	Wasteland	77	0	1	13	
		Wasteland	80	0	1	8	
		Wasteland	81	0	2	13	
		Wasteland	82	0	0	8	
		TOTAL AREA		**1**	**1**	**2**	
24.	Nogo-mati Kheremia Gaon	P.P. No. 44	59	0	0	2	
		Annual	60	0	0	13	
		Annual	61	0	0	15	
		P.P. No. 21	62	0	1	12	
		P.P. No. 133	282	0	2	19	
		P.P. No. 36	289	0	1	0	
		P.P. No. 112	290	0	2	15	
		P.P. No. 64	291	0	0	8	
		P.P. No. 103	369	0	1	10	
		P.P. No. 38	370	1	2	18	
		P.P. No. 74	382	0	2	19	
		P.P. No. 64	280	0	0	9	
		TOTAL AREA		**4**	**3**	**0**	

[No. O-12016/01/2000-ONG-D-IV]

N. C. ZAKHUP, Under Secy.

नई दिल्ली, 7 जुलाई, 2003

का. आ. 1920.—केन्द्रीय सरकार को लोक हित में यह आवश्यक प्रतीत होता है कि गुजरात राज्य में विरमगाम से हरियाणा राज्य में पानीपत तक, राजस्थान राज्य में चाकसू से होती हुई अपरिष्कृत तेल के परिवहन के लिए इंडियन ऑयल कॉर्पोरेशन लिमिटेड द्वारा "सलाया मथुरा पाइपलाईन प्रणाली के विरमगाम चाकसू, चाकसू-पानीपत और चाकसू-मथुरा खण्डों के संवर्द्धन के कार्यान्वयन हेतू एक पाइपलाइन बिछाई जाए ;

और, केन्द्रीय सरकार को ऐसी पाइपलाइन बिछाने के प्रयोजन के लिए यह आवश्यक प्रतीत होता है कि उस भूमि में जिसमें उक्त पाईपलाइन बिछाए जाने का प्रस्ताव है और जो इस अधिसूचना से संलग्न अनुसूची में वर्णित है, उपयोग के अधिकार का अर्जन किया जाए ;

अतः अब, केन्द्रीय सरकार, पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, उसमें उपयोग के अधिकार का अर्जन करने के अपने आशय की घोषणा करती है ;

कोई व्यक्ति जो उक्त अनुसूची में वर्णित भूमि में हितबद्ध है उस तारीख से जिसको भारत के राजपत्र में यथा प्रकाशित इस अधिसूचना की प्रतियाँ साधारण जनता को उपलब्ध करा दी जाती है, इक्कीस दिन के भीतर उसमें उपयोग के अधिकार का अर्जन करने या भूमि के नीचे पाइपलाइन बिछाने के सम्बन्ध में श्री सुनिल शर्मा सक्षम प्राधिकारी, सलाया-मथुरा पाइपलाइन (संवर्द्धन) परियोजना, इंडियन ऑयल कॉर्पोरेशन लिमिटेड, 33, मुक्तानंद नगर, गोपालपुरा बाई-पास जयपुर (राजस्थान) 302 018, को लिखित रूप में आक्षेप भेज सकेगा।

अनुसूची

तहसील : रायपुर	जिला : पाली	राज्य : राजस्थान		
गाँव का नाम	खसरा सं.	क्षेत्रफल		
		हेक्टेयर	एयर	वर्ग मीटर
1	2	3	4	5
रायपुर-II	2376	0	04	73
	2389	0	18	84

[फा. सं. आर-25011/11/2001-ओ.आर-I]

रेणुका कुमार, अवर सचिव

1789 GI/2003—17

New Delhi, 7th July, 2003

S. O. 1920.— Whereas, it appears to the Central Government that it is necessary in the public interest that for the transportation of Crude Oil from Viramgam in the State of Gujarat to Panipat in the State of Haryana via Chaksu in the State of Rajasthan, a pipeline may be laid by the Indian Oil Corporation Limited for implementing the "Augmentation of Viramgam – Chaksu, Chaksu – Panipat and Chaksu – Mathura sections of Salaya – Mathura Pipeline System".

And, whereas, it appears to the Central Government that for the purpose of laying the said pipeline, it is necessary to acquire the right of user in the land under which the said pipeline is proposed to be laid, and which is described in the Schedule annexed to this notification;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein;

Any person, interested in the land described in the said Schedule, may, within twenty one days from the date on which the copies of this notification, as published in the Gazette of India, are made available to the general public, object in writing to the acquisition of the right of user therein or laying of the pipeline under the land to Shri.Sunil Sharma, Competent Authority, Salaya-Mathura Pipeline (Augmentation) Project, Indian Oil Corporation Limited, 33, Muktanand Nagar, Gopal Pura Bye-Pass, Jaipur – 302 018.

SCHEDULE

Tehsil : RAIPUR	District : PALI	State : RAJASTHAN		
		Area		
Name of the Village	Khasara No.	Hectare	Are	Sq.mtr.
1	2	3	4	5
RAIPUR-II	2376	0	04	73
	2389	0	18	84

[No. R-25011/11/2001-O.R.-I]
RENUKA KUMAR, Under Secy.

नई दिल्ली, 7 जुलाई, 2003

का. आ. 1921.—केन्द्रीय सरकार को लोक हित में यह आवश्यक प्रतीत होता है कि गुजरात राज्य में विरमगाम से हरियाणा राज्य में पानीपत तक, राजस्थान राज्य में चाकसू से होती हुई अपरिष्कृत तेल के परिवहन के लिए इंडियन ऑयल कॉर्पोरेशन लिमिटेड द्वारा "सलाया मथुरा पाइपलाईन प्रणाली के विरमगाम चाकसू, चाकसू-पानीपत और चाकसू-मथुरा खण्डों के संवर्द्धन के कार्यान्वयन हेतू एक पाइपलाइन बिछाई जाए ;

और, केन्द्रीय सरकार को ऐसी पाइपलाइन बिछाने के प्रयोजन के लिए यह आवश्यक प्रतीत होता है कि उस भूमि में जिसमें उक्त पाईपलाइन बिछाए जाने का प्रस्ताव है और जो इस अधिसूचना से संलग्न अनुसूची में वर्णित है, उपयोग के अधिकार का अर्जन किया जाए ;

अतः अब, केन्द्रीय सरकार, पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, उसमें उपयोग के अधिकार का अर्जन करने के अपने आशय की घोषणा करती है ;

कोई व्यक्ति जो उक्त अनुसूची में वर्णित भूमि में हितबद्ध है उस तारीख से जिसको भारत के राजपत्र में यथा प्रकाशित इस अधिसूचना की प्रतियाँ साधारण जनता को उपलब्ध करा दी जाती है, इक्कीस दिन के भीतर उसमें उपयोग के अधिकार का अर्जन करने या भूमि के नीचे पाइपलाइन बिछाने के सम्बन्ध में श्री सुनिल शर्मा सक्षम प्राधिकारी, सलाया-मथुरा पाइपलाइन (संवर्द्धन) परियोजना, इंडियन ऑयल कॉर्पोरेशन लिमिटेड, 33, मुक्तानंद नगर, गोपालपुरा बाई-पास जयपुर (राजस्थान) 302 018, को लिखित रूप में आक्षेप भेज सकेगा।

अनुसूची

तहसील : सोजत	जिला : पाली	राज्य : राजस्थान		
गाँव का नाम	असरा सं.	क्षेत्रफल		
		हेक्टेयर	एयर	वर्ग मीटर
1	2	3	4	5
पीपलाद	515	0	02	86

[फा. सं. आर-25011/11/2001-ओ.आर-I]

रेणुका कुमार, अवर सचिव

New Delhi, 7th July, 2003

S. O. 1921.— Whereas, it appears to the Central Government that it is necessary in the public interest that for the transportation of Crude Oil from Viramgam in the State of Gujarat to Panipat in the State of Haryana via Chaksu in the State of Rajasthan, a pipeline may be laid by the Indian Oil Corporation Limited for implementing the "Augmentation of Viramgam – Chaksu, Chaksu – Panipat and Chaksu – Mathura sections of Salaya – Mathura Pipeline System".

And, whereas, it appears to the Central Government that for the purpose of laying the said pipeline, it is necessary to acquire the right of user in the land under which the said pipeline is proposed to be laid, and which is described in the Schedule annexed to this notification;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein;

Any person, interested in the land described in the said Schedule, may, within twenty one days from the date on which the copies of this notification, as published in the Gazette of India, are made available to the general public, object in writing to the acquisition of the right of user therein or laying of the pipeline under the land to Shri.Sunil Sharma, Competent Authority, Salaya-Mathura Pipeline (Augmentation) Project, Indian Oil Corporation Limited, 33, Muktanand Nagar, Gopal Pura Bye-Pass, Jaipur – 302 018.

SCHEDULE

Tehsil : SOJAT	District : PALI	State : RAJASTHAN		
		Area		
Name of the Village	Khasara No.	Hectare	Are	Sq.mtr.
1	2	3	4	5
PIPLAD	515	0	02	86

[No. R-25011/11/2001-O.R.-I]
RENUKA KUMAR, Under Secy.

नई दिल्ली, 9 जुलाई, 2003

का. आ. 1922.— केन्द्रीय सरकार को लोकहित में यह आवश्यक प्रतीत होता है कि गुजरात राज्य में मुन्द्रा पत्तन स्थित अपरिष्कृत तेल टर्मिनल से पंजाब राज्य में भटिंडा तक मुन्द्रा-भटिंडा अपरिष्कृत तेल पाइपलाइन के माध्यम से अपरिष्कृत तेल के परिवहन के लिए गुरू गोबिन्द सिंह रिफाइनरीज लिमिटेड, (हिन्दुस्तान पेट्रोलियम कॉरपोरेशन लिमिटेड की समनुषगी) द्वारा एक पाइपलाइन बिछाई जानी चाहिए;

और केन्द्रीय सरकार को उक्त पाइपलाइन बिछाने के प्रयोजन के लिए यह आवश्यक प्रतीत होता है कि उस भूमि में जिसके भीतर उक्त पाइपलाइन बिछाए जाने का प्रस्ताव है और जो इस अधिसूचना से उपाबध्द अनुसूची में वर्णित हैं, उपयोग के अधिकार का अर्जन किया जाए;

अतः अब केन्द्रीय सरकार, पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम 1962 (1962 का 50) की धारा 3 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, उस भूमि में उपयोग के अधिकार का अर्जन करने के अपने आशय की घोषणा करती है;

कोई व्यक्ति, जो उक्त अनुसूची में वर्णित भूमि में हितबध्द है, उस तारीख से जिसको उक्त अधिनियम की धारा 3 की उपधारा (1) के अधीन जारी भारत के राजपत्र में यथाप्रकाशित इस अधिसूचना की प्रतियां साधारण जनता को उपलब्ध करा दी जाती हैं, इक्कीस दिन के भीतर, भूमि के नीचे पाइपलाइन बिछाने के संबंध में श्री डी.के. पारेख, सक्षम प्राधिकारी, मुन्द्रा-भटिंडा अपरिष्कृत तेल पाइपलाइन, गुरू गोविंद सिंह रिफाइनरीज लिमिटेड (हिन्दुस्तान पेट्रोलियम कॉपोरेशन लिमिटेड की समनुषंगी), पो.बॉ. नं. 43, यूनिट 2, एच.पी.सी.एल, मु.और पोस्ट खारी रोहर, तालुका गाँधीधाम, गुजरात राज्य को लिखित रूप में आक्षेप भेज सकेगा ।

अनुसूची

तहसील:- मुन्द्रा जिला:- कच्छ राज्य :- गुजरात

गाँव का नाम	सर्वे सँख्या	भाग यदी है तो	क्षेत्रफल		
			हेक्टर	आर	सेन्टी आर
1	2	3	4		
1. मुन्द्रा	ट्रार्वस 141/1	पैकी	00	04	24
	156/2		00	25	20
	ट्रार्वस 141/1	पैकी	00	18	41
2. बारोइ	216		00	00	65
	217		00	20	48
	ट्रार्वस 207	पैकी	01	54	20
	161/2		00	00	61
	-	कार्ट ट्रेक	00	00	11
	221		00	04	22
	-	कार्ट ट्रेक	00	01	20
	140/2		00	00	08
	142/1		00	02	59
3. शेखडीया	110/1		00	00	42
	115/2		00	00	67
	115/1	पैकी	00	04	01
	-	कार्ट ट्रेक	00	00	48
	-	कार्ट ट्रेक	00	00	10

[फा. सं. आर-31015/2/2002-ओ.आर-II]

हरीश कुमार, अवर सचिव

New Delhi, 9th July, 2003

S. O. 1922.—Whereas it appears to the Central Government that it is necessary in the public interest that for the transportation of crude oil from crude oil terminal at Mundra Port in the State of Gujarat to Bathinda in the State of Punjab, through Mundra-Bathinda crude oil pipeline, a pipeline should be laid by Guru Gobind Singh Refineries Limited (a subsidiary of Hindustan Petroleum Corporation Limited);

And whereas it appears to the Central Government that for the purpose of laying the said pipeline, it is necessary to acquire the right of user in the land under which the said pipeline is proposed to be laid, and which is described in the Schedule annexed to this notification;

Now, therefore, in exercise of the powers conferred by sub- section (1) of section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein;

Any person interested in the land described in the said Schedule may, within twenty-one days from the date on which the copies of this notification issued under sub-section (1) of section (3) of the said Act, as published in the Gazette of India, are made available to the general public, object in writing to the laying of the pipeline under the land to Shri D.K.Parekh, Competent Authority, Mundra-Bathinda Crude Oil Pipeline, Guru Gobind Singh Refineries Limited (a subsidiary of Hindustan Petroleum Corporation Limited), P.B.No. 43, Unit 2, HPCL, At and Post Khari Rohar, Taluka Gandhidham, State Gujarat.

SCHEDULE

Taluka :- Mundra District :- Kutch State :- Gujarat

Name of Village	Survey No	Part if Any		ROU Area		
				Ha.	Ar.	Sq.mt.
1	2	3		4		
(1). Mundra	Trowers 141/1	P		00	04	24
	156/2			00	25	20
	Trowers 141/1	P		00	18	41
(2). Baroi	216			00	00	65
	217			00	20	48
	Trowers 207	P		01	54	20
	161/2			00	00	61
	-		Cart Track	00	00	11
	221			00	04	22
	-		Cart Track	00	01	20
	140/2			00	00	08
	142/1			00	02	59
(3).Shekhadia	110/1			00	00	42
	115/2			00	00	67
	115/1	P		00	04	01
	-		Cart Track	00	00	48
	-		Cart Track	00	00	10

[No. R-31015/2/2002-O.R.-II]
HARISH KUMAR, Under Secy.

नई दिल्ली, 9 जुलाई, 2003

का. आ. 1923.— केन्द्रीय सरकार को लोकहित में यह आवश्यक प्रतीत होता है कि गुजरात राज्य में मुन्द्रा पत्तन स्थित अपरिष्कृत तेल संस्थापन से पंजाब राज्य में भटिंडा तक मुन्द्रा-भटिंडा अपरिष्कृत तेल पाइपलाइन के माध्यम से अपरिष्कृत तेल के परिवहन के लिए गुरू गोबिन्द सिंह रिफाइनरीज लिमिटेड (हिन्दुस्तान पेट्रोलियम कॉरपोरेशन लिमिमटेड की समनुषंगी) द्वारा एक पाइपलाइन बिछाई जानी चाहिए;

और, केन्द्रीय सरकार को उक्त पाइपलाइन बिछाने के प्रयोजन के लिए यह आवश्यक प्रतीत होता है कि उस भूमि में जिसके भीतर उक्त पाइपलाइन बिछाए जाने का प्रस्ताव है और जो इस अधिसूचना से उपाबध्द अनुसूची में वर्णित है, उपयोग के अधिकार का अर्जन किया जाए;

अतः अब केन्द्रीय सरकार, पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम 1962 (1962 का 50) की धारा 3 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, उसमें उपयोग के अधिकार का अर्जन करने के अपने आशय की घोषणा करती है;

कोई व्यक्ति, जो उक्त अनुसूची में वर्णित भूमि में हितबध्द है, उस तारीख से जिसको उक्त अधिनियम की धारा 3 की उपधारा (1) के अधीन भारत के राजपत्र में यथाप्रकाशित इस अधिसूचना की प्रतियां साधारण जनता को उपलब्ध करा दी जाती है, इक्कीस दिन के भीतर भूमि के भीतर पाइपलाइन बिछाने के संबंध में श्री डी.के. पारेख, सक्षम प्राधिकारी, मुन्द्रा-भटिंडा अपरिष्कृत तेल पाइपलाइन, गुरू गोविंद सिंह रिफाइनरीज लिमिटेड (हिन्दुस्तान पेट्रोलियम कॉपोरेशन लिमिटेड की समनुषंगी), पो. बॉक्स नं. 43, यूनिट 2, हिन्दुस्तान पेट्रोलियम कॉपोरेशन लिमिटेड, मु. पो. खारी रोहर, तालुका गाँधीधाम, गुजरात राज्य को लिखित रूप में आक्षेप भेज सकेगा ।

अनुसूची

तहसील : सांतलपुर जिला : पाटण राज्य : गुजरात

गाँव का नाम	सर्वे सँख्या	भाग यदि है तो	क्षेत्रफल		
			हेक्टर	आर	सेन्टी आर
1	2	3	4		
(1) सांतलपुर	203	-	00	00	89
	219	-	00	00	04
(2) पर	-	नाला	00	05	76
	483	-	00	06	86
	825	-	00	07	20
	-	कार्ट ट्रेक	00	00	39
	482	-	00	04	65
	481	-	00	06	71
	478	-	00	00	37
	473	-	00	00	33

(3) छानसग	61	-	00	00	16
	116	-	00	00	70
	-	कार्ट ट्रेक	00	00	17
	194	पैकी कार्ट ट्रेक	00	00	17
(4) दईगामडा	36	-	00	00	01
	127	-	00	00	13
(5) वामगेली	29/2	-	00	02	52
	21	-	00	00	14
(6) डाभी	44/2	-	00	01	44
(7) उनगट	41	-	00	01	59
(8) झेकडा	100	-	00	00	92
	264	-	00	00	68

[फा. सं. आर-31015/9/2002-ओ.आर-II]

हरीश कुमार, अवर सचिव

New Delhi, 9th July, 2003

S. O. 1923.— Whereas it appears to the Central Government that it is necessary in the public interest that for the transportation of crude oil from crude oil terminal at Mundra Port in the State of Gujarat to Bathinda in the State of Punjab, through Mundra-Bathinda crude oil pipeline, a pipeline should be laid by Guru Gobind Singh Refineries Limited (a subsidiary of Hindustan Petroleum Corporation Limited);

And whereas it appears to the Central Government that for the purpose of laying the said pipeline, it is necessary to acquire the right of user in the land under which the said pipeline is proposed to be laid, and which is described in the Schedule annexed to this notification;

Now, therefore, in exercise of the powers conferred by sub- section (1) of section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein;

Any person interested in the land described in the said Schedule, may, within twenty-one days from the date on which the copies of this notification issued under sub-section (1) of section (3) of the said Act, as published in the Gazette of India, are made available to the general public, object in writing to the laying of the pipeline under the land to Shri D.K.Parekh, Competent Authority, Mundra-Bathinda Crude Oil Pipeline, Guru Gobind Singh Refineries Limited (a subsidiary of Hindustan Petroleum Corporation Limited), P.B.No. 43, Unit 2, HPCL, At & Post Khari Rohar, Taluka Gandhidham, State Gujarat.

SCHEDULE

Taluka: Santalpur **District: Patan** **State: Gujarat**

Name of Village	Survey No.	Part if Any	ROU Area		
			Ha.	Ar.	Sq. Mt.
1	2	3	4		
(1) Santalpur	203	-	00	00	89
	219	-	00	00	04
(2) Par	-	Nala	00	05	76
	483	-	00	06	86
	825	-	00	07	20
	-	Cart Track	00	00	39
	482	-	00	04	65
	481	-	00	06	71
	478	-	00	00	37
	473	-	00	00	33
(3) Chhansara	61	-	00	00	16
	116	-	00	00	70
	-	Cart Track	00	00	17
	194	P – Cart Track	00	00	17
(4) Daigamda	36	-	00	00	01
	127	-	00	00	13
(5) Bamroli	29/2	-	00	02	52
	21	-	00	00	14
(6) Dabhi	44/2	-	00	01	44
(7) Unrot	41	-	00	01	59
(8) Zekada	100	-	00	00	92
	264	-	00	00	68

[No. R-31015/9/2002-O.R.-II]
HARISH KUMAR, Under Secy.

श्रम मंत्रालय

नई दिल्ली, 13 जून, 2003

का. आ. 1924.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार एन.बी.सी.सी.एल. प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, मुम्बई नम्बर 2 (संदर्भ संख्या सी.जी.आई.टी.-2/81/2002) को प्रकाशित करती है, जो केन्द्रीय सरकार को 12-6-2003 को प्राप्त हुआ था।

[सं० एल- 42012/132/2001-आई.आर.(सी-II)]

एन.पी. केशवन, डैस्क अधिकारी

MINISTRY OF LABOUR

New Delhi, the 13th June, 2003

S. O. 1924.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. CG IT-2/81 of 2002) of the Central Government Industrial Tribunal-cum-Labour Court, Mumbai No. 2, as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of NBCCL and their workman, which was received by the Central Government on 12-6-2003.

[No. L-42012/132/2001-IR(C-II)]

N.P. KESAVAN, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 2, MUMBAI

PRESENT:

SHRI S. N. SAUNDANKAR, Presiding Officer

REFERENCE NO. CGIT-2/81 OF 2002

EMPLOYERS IN RELATION TO THE MANAGEMENT OF NATIONAL BUILDING CONSTRUCTION COMPANY LTD.

The Project Manager,
National Building Construction Company Ltd.
RCF Works, Tahl. Alibag, Distt. Raigad,
Raigad (Maharashtra)

AND

Thier workman
Sh. Devi Pandye, Simon Colony, Syseth-Tudal,
Tal. Alibag, Distt. Raigad, Raigad (Maharashtra).

APPEARANCES:

For the Employer : Mr. Abhay Kulkarni, Advocate.

For the Workman : No Appearance.

Mumbai, Dated the 2nd June, 2003

AWARD

The Government of India, Ministry of Labour, by its order No. L-42012/132/2001-IR (CM-II) dated 9-12-2002 in exercise of the powers conferred by clause (d) of Sub-section (1) and Sub-section 2(A) of Section 10 of the Industrial Disputes Act, 1947 have referred the following dispute to this Tribunal for adjudication :—

"Whether the action of the management of NBCC Ltd., Raigarh in removing the services of Shri Devi Pandye w.e.f. 1-12-1997 is legal and justified? It not, to what relief he is entitled"?

2. On receipt of reference notices were sent to the management NBCC Ltd. and the workman Devi Pandye. Record shows that management appeared (vide Exhibit-5), however, workman though served (vide Exhibit-4), did not appear nor put Statement of Claim though sufficient time given, which indicates that the workman is not interested in prosecuting the cause. Therefore, reference deserves to be disposed of and hence the order :–

ORDER

Reference stands disposed of for non-prosecution.

S.N. SAUNDANKAR, Presding Officer

नई दिल्ली, 13 जून, 2003

का. आ. 1925.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार बी.सी.सी.एल. प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, धनबाद नम्बर 2 (संदर्भ संख्या 1/1998) को प्रकाशित करती है, जो केन्द्रीय सरकार को 12-6-2003 को प्राप्त हुआ था।

[सं० एल- 22012/103/1992-आई.आर.(सी-II)]

एन.पी. केशवन, डैस्क अधिकारी

New Delhi, the 13th June, 2003

S. O. 1925.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 1/1998) of the Central Government Industrial Tribunal-cum-Labour Court, Dhanbad No. 2 as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of BCCL and their workman, which was received by the Central Government on 12-6-2003

[No. L-22012/103/1992-IR(C-II)]

N.P. KESAVAN, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL (NO. 2) AT DHANBAD

PRESENT:

SHRI B. BISWAS, Presiding Officer

In the matter of an Complaint under Section 33A of the I.D. Act. 1947.

COMPLAINT NO. 1 OF 1998

PARTIES: Shri Ranjeet Kumar,
Nichitpur Colliery,
P.O. Loyabad, Dhanbad ... Complainant.

Versus

Management of Nichitpur
Colliery of M/s. BCCL ... Opp. Party

Arising out of Ref. No. 10/93 (Ministry's Order No. L-22012 (103)/92-IR(Coord) dt. 22-3-1993

APPEARANCES :

On behalf of the complainant	: Shri D. Mukherjee, Advocate.
On behalf of the Opp. party	: Shri H. Nath, Advocate.
State : Jharkhand	Industry : Coal.

Dated, Dhanbad, the 19th May, 2003.

AWARD

This is a complaint under Section 33A of the I.D. Act filed by Shri Ranjeet Kumar of Nichitpur colliery of M/s. BCCL against the management of Nichitpur colliery of M/s. BCCL.

2. The complainant in his complaint submitted that he raised an industrial dispute before the ALC(C) Dhanbad for his regularisation as clerk. But as the conciliation proceeding ended in failure the said dispute was referred to this Tribunal being Ref. No. 10/93 by the Ministry for disposal. The terms of reference was as follows :—

> "Whether the action of the management of Loyabad Colliery of M/s. BCCL in not regularising Sri Ranjeet Kumar as Clerk is justified? If not, to what relief the workman is entitled?"

2. The complainant alleged that as soon as the said industrial dispute was referred to this Tribunal the Opp. party Management started threatening him and proposing to transfer him to different places and in different job and that too transferred him to different place with an attempt to change the service condition and also to victimise him. Moreover, the O.P. management also did not consider necessary to take any approval from the Court before issuance of the said order of transfer and accordingly it was illegal and ultravires in the eye of law. Accordingly the complainant submitted his prayer to pass an order to maintain status quo and to allow him to work as coal despatch Clerk till disposal of the reference case in question.

3. The O.P. management on the contrary after filing written objection have denied all the claims and allegations which the complainant has raised in his petition of complaint. They submitted that the complainant was appointed as Miner/ Loader by the management on 19-4-82 and later on he was regularised as Electrical Helper. Thereafter as per office Order issued by the Dy. C.M.E. Loyabad colliery vide reference No. 6177 dt. 24-7-86 the complainant was transferred to leave section on his request. Subsequently in 1992 he was regularised in Clerical Grade-III vide Office Order No. GM. SA. PO. 92.5800 dt. 14-8-92 and he is working in that capacity. They submitted that the complainant workman raised industrial dispute being Ref. Case No. 10/93 for his non regularising him as Clerk. They submitted that as the complainant has already been regularised as clerk Gr. III there is no scope to say that they ignored the claim of the complainant in the matter of his regularisation as clerk. The complainant was transferred from Loyabad colliery to Nichitpur colliery vide letter No. GM. SA.PO. 10C. 1439/4147/95 dt. 13/14-6-95 during the pendency of the dispute and he accepted and joined to his new place of posting without any grievance. The management referring clause 23 of the Certified S.O. submitted that they have the right to transfer their employees from one station to another station, from one coal mine to another or from one unit/department/ section to another within the company provided that pay grade and other condition of service are not adversely affected by such transfer. They submitted that while the concerned workman was working at Nichitpur colliery he was transferred to Mudidih colliery as Clerk vide Office Order No. GGM.SA.PO.F-10G/299/98 dt. 13-1-98 along with another workman Sri. J.P. Singh who had been transferred to Loyabad colliery. They submitted that by this transfer his condition of service or wages have not been affected in any way and he will continue to enjoy all the benefits while working there. They disclosed that the employees in any concern are in the ordinary course of business liable to be transferred and it is a part and parcel to the service condition of any workman. Accordingly no workman can claim as of right that he should stay at any particular place according to his choice. They disclosed that since the complainant has already been regularised as clerk as per terms of reference and has been transferred to another colliery under same area as clerk without service condition the present complaint petition is liable to be rejected.

4. Here the points to be decided are if the order of transfer issued by the management while Ref. 10/93 is under sub-judice was legal valid and binding upon parties.

5. **FINDING WITH RESAONS**

It is admitted fact that the complainant get his appointment as Miner/Loader under the management on 19-4-82. The contention of the O.P. management is that vide Office Order No. 6177 dt. 24-7-86 the concerned workman/complainant was transferred to leave section on his request and in the year 1992 he was regularised in Clerical Gr. III vide Office Order No. GM/SA/PO/92/5800 dt. 14-8-92. It is seen that the complainant raised an industrial dispute before the ALC(C) Dhanbad for his regularisation as clerk. As the said conciliation matter ended in failure the dispute in question was referred to this Tribunal by the Ministry and registered as Ref. Case No. 10/93. The terms of reference is whether the action of the management of Loyabad colliery of M/s. BCCL in not regularising Sri Rajit Kumar as clerk is justified ? If not, to what relief the concerned workman is entitled to?" The management categorically submitted that the complainant was regularised in Clerical Grade. III vide office order referred to above and he is working in that capacity. It is seen that prior to registration of the reference case in question during the year 1993 the complainant was regularised in Clerical Gr. III. The allegation of the complainant is that during pendency of the said reference case the management transferred him to another place illegally and without taking the approval of the Court and accordingly he submitted that the said order of transfer is liable to be rejected. The O.P. management admitting the fact of transfer of the complainant from Loyabad colliery to Nichitpur colliery on 13/14-6-95 and thereafter from Nichitpur colliery to Mudidih colliery on 13-1-98 submitted that the said transfer was for the interest of public service and as per clause 23 of the Certified S.O. They submitted that they have absolute right to transfer

any employee from one colliery to another colliery, from one department to another department etc. for the interest of service. It is only to be looked into whether by such transfer the service condition and the privileges which the employee was enjoying has been affected or not? I have carefully considered clause 23 of the certified S.O. and I am of the view that the management for the interest of public service has absolute right to transfer any employee from one colliery to another and from one office to another office without changing condition of service or wages and other benefits. It is the allegation of the complainant that when the instant reference case is under sub-judice the O.P. management transferred him from Loyabad colliery illegally and arbitrarly without taking approval of the Tribunal and thereby violated the provision of Section 33 of the I.D. Act, 1947. The concerned workman/complainant is silent if by his transfer his service condition was affected or his wages or other benefits have been curtailed. He raised the dispute for regularisation of his service as clerk. It is seen that the O.P. management vide their Order No. GM/SA/PD/92/5800 dt. 14-8-92 has already regularised the complainant in Clerical Gr. III. He did not raise any objection that his regularisation in Clerical Gr. III was illegal and arbitrary. Therefore when he has already been regularised as Clerk Gr. III I consider that he does not have grievance further. It is further seen that on all occasions the concerned workman in view of order of transfer joined to his new assignment as Clerk Gr. III. Therefore the order of transfer has already been complied with. The allegation of the complainant/workman that the management has proposed to transfer him finds no basis at all. It is seen that by such transfer no service condition was changed and there is no scope to say that for such transfer either his service condition or his wages and other benefits have been curtailed. Therefore, there is no scope to say that the management was liable to issue any notice before his transfer under Section 9A of the I.D. Act. Section 33 of the I.D. Act speaks :—

> "33. Conditions of service, etc. to remain unchanged under certain circumstances during pendency of proceedings-1. During the pendency of any conciliation proceeding before a conciliation officer or a Board or of any proceeding before (an arbitrator or) a Labour Court or Tribunal or National Tribunal in respect of an industrial dispute, no employer shall :—
>
> (a) in regard to any matter connected with the dispute alter or the prejudice of the workman concerned in such dispute, the conditions of service applicable to them immediately before the commencement of such proceeding; or
>
> (b) for any misconduct connected with the dispute discharge or punish, whether by dismissal or otherwise any workmen concerned in such dispute. Save with the express permission in writing of the authority before which the proceeding is pending."

According to this section it has to be looked into if the condition of service of the complainant has been affected or not. Transfer is a condition which is part and parcel of service and until and unless any condition is imposed in the appointment as per clause 23 of the Certified standing order, employer is very much eligible to transfer and his employee from one place to another without changing his service condition or wages and other ancilliary benefit. No evidence on the part of complainant is forthcoming that by such transfer his service condition was changed and he has been deprived of enjoying certain benefits including wages which he used to enjoy at his previous place of posting. Therefore, transfer is an administrative order which is made for better administration and for which there is no scope to say that such transfer will change the service condition of any employee. Here it is seen that after regularising the concerned workman in clerical Grade III the complainant was transferred to Nichitpur colliery from Loyabad and thereafter to Mudidih colliery as clerk. It is further seen that such order of transfer has already been acted upon. As no evidence is forthcoming that by such transfer the concerned workman has been prejudiced seriously I do not find any sufficient ground to say that the management illegally, arbitrarily and violating the principles of natural justice transferred the concerned workman from his original place of posting. In view of the facts and circumstances, discussed above the concerned workman/complainant is not entitled to get any benefit.

ORDERED

Hence, that the complaint filed by the complainan Ranjeet Kumar with a prayer for passing status quo order and to allow him to work as Coal Despatch clerk till the pendency of the adjudication of Ref. No. 10/93 stands rejected on contest.

B. BISWAS, Presiding Officer

नई दिल्ली, 13 जून, 2003

का. आ. 1926.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार एम.सी.एल. के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, भुवनेश्वर (संदर्भ संख्या 251/2001) को प्रकाशित करती है. जो केन्द्रीय सरकार को 12-6-2003 को प्राप्त हुआ था।

[सं० एल- 22012/253/98-आई.आर.(सी-II)]

एन.पी. केशवन, डैस्क अधिकारी

New Delhi, the 13th June, 2003

S. O. 1926 .—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 251/2001) of the Central Government Industrial Tribunal-cum-Labour Court, Bhubaneswar as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of MCL and their workman, which was received by the Central Government on 12-6-2003.

[No. L-22012/253/98-IR (C-II)]

N.P. KESAVAN, Desk Officer

ANNEXURE

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT BHUBANESWAR

Present :

Shri S.K. Dhal, OSJS, (Sr. Branch),
Presiding Officer, C.G.I.T.-cum-Labour Court,
Bhubaneswar.

Tr. INDUSTRIAL DISPUTE CASE NO. 251/2001
Date of conclusion of hearing—9th May, 2003

Date of Passing Award—30th May, 2003

Between :

The Management of the Chief General Manager, Bharatpur Colliery MCL, Balanda, Angul. ... 1st Party-Management.

AND

Their Workman represented through the General Secretary, Bharatpur Colliery Labour Union, At. N.S. Nagar, P.O. Balanda, Dist. Angul - 759 116. ... 2nd Party-Union.

Appearances :

Shri K.R. Raju, Personnel Manager, Kalinga Area. ... For the 1st Party-Management.

Shri Biranchinarayan Pani. ... For the 2nd Party-Union.

AWARD

The Government of India in the Ministry of Labour in exercise of Powers conferred by Clause (d) of sub-section (1) and sub-section 2(A) of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947) have referred the following dispute for adjudication vide their Order No. L-22012/253/98/IR (CM-II), dated 27-05-1999 :

"Whether the action of the Management of Bharatpur Colliery (MCL) in not determining the correct date of birth of Shri Jogi Nahak, is legal and justified? If not, what remedy he is entitled to?"

2. The case of the 2nd Party may be stated in brief : —

The disputant Shri Jogi Nahak is the son of Shri Gada Nahak. Both the disputant and his father joined in service on one date i.e. on 18-5-1973. After they came to the control of the 1st Party-Management the date of birth of Gada Nahak the father of the disputant, Shri Jogi Nahak was determined as 18-5-1939 by the Medical Board constituted by the 1st Party-Management and that has been accepted by the 1st Party-Management. In the meanwhile Shri Gada Nahak has been retired. The date of birth of the disputant Shri Jogi Nahak has been recorded as 5-4-1947. There is a difference of eight year, three months and seventeen days between the age of the father and the disputant. According to the disputant, this is impossible and improbable because his date of birth has been wrongly recorded as 5-4-1947. So, he made a representation to the 1st Party-Management but who after due consideration constituted the Medical Board and asked him to appear before him on a particular date to determine his age. But subsequently it was withdrawn and his age has not been determined by the Medical Board. So, he raised the dispute, conciliation failed and the present reference has been made to the Tribunal to answer whether the action of the Management in not determining the correct date of birth of the disputant is legal and justified? The 2nd Party has prayed that his date of birth may be determined on the basis of the Medical Board constituted by the 1st Party-Management.

3. The 1st Party-Management has filed their Written Statement. The 1st Party-Management in his Written Statement has admitted all the facts pleaded by the 2nd party but they have taken the stand that, once the date of birth of the disputant has been recorded in the official records and the disputant has never raised any objection there is no scope for determination of the age of the disputant by a Medical Board so the order passed by the 1st Part-Management constituting the Medical Board was withdrawn.

4. On the above pleading of the parties the following Issues have been settled.

ISSUES

1. Whether the reference is maintainable?
2. Whether the action of the Management, Bharatpur Colliery (MCL) in not determining the correct date of birth of Shri Jogi Nahak, is legal and justified?
3. If not, what remedy he is entitled to?

5. On behalf of the 2nd Party two witnesses have been examined whereas the 1st Party-Management has not adduced any oral evidence but two documents have been exhibited in their favour i.e. Ext.-A and Ext.-B.

FINDINGS

ISSUE NO. I

6. The disputant had made a representation to determine his age but the 1st Party-Management has not taken any step. So, I am of the opinion that a dispute exists. Accordingly, he raised the dispute before the authority and as there is failure of conciliation the present reference has been made. The 1st Party-Management is an Industry and the disputant is a Workman. Hence, the present reference is maintainable.

ISSUE NO. II

7 Admittedly, the age of the father of the disputant has been determined by the Medical Board constituted by the 1st Party-Management as 18-5-1939. This has been accepted by the 1st Party-Management. So, there will be no scope for this Tribunal to discuss or express any findings whether the date of birth determined by the Medical Board in favour of Shri Gada Nahak is true or correct when that has been accepted by the 1st Party-Management. The 1st Party-Management also has conceded that the different of age between the disputant and his father is eight years, three months and seventeen days, which is impossible and improbable. The stand of the 1st Party-Management is that once the date of birth of the disputant has been recorded in the B-Form register which has been exhibited in this case as Ext.-A and in his service book and as the disputant has not raised any objection, at the belated stage his age can not be determined and the date of birth as recorded in the service particulars is to be accepted. After hearing of both the parties I am not inclined to accept the submission made on behalf of the 1st Party-Management. The representation of the 2nd Party for determination of his age has been admitted by the 1st Party-Management. It is also admitted that after receipt of the representation a Medical Board was constituted to determine the age of the disputant and notice also was issued to him to appear before the Medical Board by giving a date and the said notice has been exhibited in this case as Ext. -2. It has been mentioned that the Medical Board will meet on 10-5-1996 at 10 A M. and the disputant is required to appear before the said Medical Board, but surprisingly this was withdrawn. No further notice was sent to the disputant to appear before the Medical Board for determination of his age. No materials have been placed on behalf of the 1st Party-Management that why the earlier decision was withdrawn. When the representation of the disputant was taken into consideration and the Medical Board was constituted to determine the age there was no convincing reason at all to withdraw the same. When the age of the father was determined by the Medical Board constituted by the 1st Party-Management similarly the age of the son could have been determined by the same Medical Board and the result was binding on the 2nd Party. But without doing that, the 1st Party-Management has withdrawn the constitution of the Medical Board and no action was taken on the representation of the 2nd Party. In my opinion this is illegal and unjustified. In other words, the action of the 1st Party-Management of Bharatpur Colliery (MCL) in not determining the correct date of birth of Shri Jogi Nahak, the disputant is illegal and unjustified. Hence, this Issue is answered accordingly.

ISSUE NO. III

In view of my findings given in respect of Issue No. II, the 1st Party-Management is directed to constitute a Medical Board to determine the age of the disputant within one month after publication of award in the Official Gazette.

9. Reference is answered accordingly.

S. K. DHAL, Presiding Officer

BEFORE THE C.G.I.T.-CUM-LABOUR COURT: BHUBANESWAR

Tr. I.D. Case No. 251/2001

List of the Witnesses Examined on behalf of the 2nd Party-Union.

W.W. No. 1.	Shri Gada Nahak.
W.W. No. 2.	Shri Jogi Nahak.

List of the Witnesses Examined on behalf of the 1st Party-Management.

Nil.

List of Documents exhibited on behalf of the 2nd Party-Workman.

Ext.-1.	Copy of the service sheet of Shri Gada Nahak.
Ext.-2.	Copy of letter No. 7423, dated 9-5-1996 issued to Shri Jogi Nahak by Dy. Project Officer, Bharatpur Project, M.C.L.
Ext.-3	Copy of representation dated 10-1-1994 of Shri Jogi Nahak to the Project Officer, Bharatpur Colliery.
Ext.-4.	Original Medical Certificate No. 771, dated 23-9-2000 of C.D.M.O., Angul to Shri Jogi Nahak.
Ext.-5.	Copy of Service sheet of Shri Jogi Nahak.

List of Documents exhibited on behalf of the 1st Party-Management.

Ext.-A.	Copy of the Form-B Register, Sl. No. 650.
Ext.-B.	Copy of the service excerpts.

नई दिल्ली, 13 जून, 2003

का. आ. 1927.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार एम. सी. एल. के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, भुवनेश्वर (संदर्भ संख्या 73/2002) को प्रकाशित करती है, जो केन्द्रीय सरकार को 12-6-2003 को प्राप्त हुआ था।

[सं० एल- 22012/228/2001-आई. आर. (सी-II)]

एन. पी. केशवन, डैस्क अधिकारी

New Delhi, the 13th June, 2003

S. O. 1927.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 73/2002) of the Central Government Industrial Tribunal-cum-Labour Court, Bhubaneswar as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of MCL and their workman, which was received by the Central Government on 12-6-2003.

[No. L-22012/228/2001-IR(C-II)]

N. P. KESAVAN, Desk Officer

ANNEXURE

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, BHUBANESWAR

PRESENT:

Shri S. K. Dhal, OSJS :
(Sr. Branch),
Presiding Officer,
C.G.I.T.-cum-Labour Court,
Bhubaneswar.

INDUSTRIAL DISPUTE CASE NO. 73/2002

Date of conclusion of hearing —20th May, 2003

Date of Passing Award—4th June, 2003

BETWEEN:

The Management of :—

1. The Chairman-cum-Managing Director,
   Mahanadi Coal Fields Limited,
   Jagruti Vihar,
   POUCE, Burla,
   Sambalpur, Orissa.
2. The Chairman-cum-Managing Director,
   Central Coal Fields Limited,
   Darbhanga House,
   Ranchi.
3. The Chairman,
   Coal India Ltd.,
   Netaji Subash Road,
   Calcutta-01. .....1st Party-Managements

AND

Their Workmen
represented through the
General Secretary,
Deulbera Colliery
Employees Union,
P.O. Deulbera Colliery,
Dist. Angul—759 102. .....2nd Party-Union.

APPEARANCES:

Shri R. M. Dash, Legal Inspector, MCL, Sambalpur.	...	For the 1st Party Management No. 1.
None.	...	For Management No. 2.
None.	...	For Management No.3.
Shri Brahma Sankar Mishra. General Secretary.	...	For the 2nd Party-Union.

AWARD

The Government of India in the Ministry of Labour in exercise of powers conferred by Clause (d), of Sub-section (1) and Sub-section 2(A) of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947) have referred the following dispute for adjudication vide their Order No. L-22012/228/2001/IR (CM-II), dated 13-5-2002 :

"Whether the action of the Management of CCL, Coal India Ltd., and Mahanadi Coal Fields Ltd., in not considering the pension benefits to 25 employees (as per list) is legal and justified? If not, to what relief the workmen are entitled to?"

2. The case of the 2nd Party may be stated in brief :—

25 persons as per the list are concerned in this reference. They were working under the 1st Party-Management. There was a settlement to provide monthly pension to the employees by the 1st Party-Management and it was a service condition. But the 1st Party-Management did not provide the pension benefit to the workmen. So, they raised a dispute and after failure of conciliation, the present reference has been made.

3. The 1st Party-Management has filed their Written Statement. The 1st Party-Management in his Written Statement has admitted the formation of scheme. According to the 1st Party-Management by virtue of inclusion of members of CCL SPF to the Coal Mines Provident Fund Scheme, these employees who are members of CCL SPF Scheme and in employment as on 8-10-2002 become the member of Coal Mines Pension Schemes, 1998. As the 2nd Party-disputants retired during the year 1995 to 1998, they can not be included in the Coal Mines Pension Schemes 1998 as they were not in employment on 8-10-2002. It has been further pleaded that the reference is misconceived and also is not maintainable as the claim raised by the disputant is not a dispute within the meaning of Section 2(K) of the Industrial Disputes Act. The further case of the 1st Party-Management is that if at all the disputants have any grievance they should approach the appropriate government for extension of the scheme because the Ist Party-Management has no authority either to include or to exclude the disputants under the scheme.

4. On the above pleading of the parties the following Issues have been settled.

ISSUES

1. Whether the reference is maintainable?
2. Whether the action of the Management of CCL, Coal India Ltd., and Mahanadi Coal Fields Ltd., is not considering the pension benefits to 25 employees (as per list) is legal and justified?
3. If not, to what relief the workmen are entitled?

5. No evidence has been adduced by both the parties. No documents have also been exhibited by both the parties. Both the parties have relied on the documents filed along with their Claim Statement and Written Statement.

FINDINGS

ISSUE NO. I

6. This Issue has not been pressed by both the parties. Admittedly, the 1st Party-Management is an Industry and the disputants are the workmen working under them and when the disputants have raised a dispute a reference has been made by the appropriate Government. So, the reference is maintainable.

ISSUE NO. II

7. During course of argument it has been conceded by both the parties that the representation of the disputants were sent to the Government who has agreed to extend the benefits of pension scheme to 25 disputants who are concerned in this reference. In that case, there is no scope for this Tribunal to express any findings. On the other words, when the appropriate Government has accepted their representation it would suggest that the claim of the disputants is fully justified.

ISSUE NO. III

8. During course of argument it has been submitted on behalf of the 2nd Party that time limit may be fixed by this Tribunal to make payment to the disputants. No objection has been raised on behalf of the 1st Party-Management it has been stated that the time limit should not be very short. Considering the nature and gravity of the case, when the Government has accepted the representation of the disputants to provide pension benefits to them it should be worked out within six months from the date of receipt of the gazette notification.

9. Reference is answered accordingly.

S. K. DHAL, Presiding Officer

नई दिल्ली, 13 जून, 2003

का.आ.1928.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय.सरकार इण्डियन एअरलाइंस लि. के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण-I, मुम्बई के पंचाट (संदर्भ संख्या 47/95) को प्रकाशित करती है, जो केन्द्रीय सरकार को 12-6-2003 को प्राप्त हुआ था।

[सं० एल- 11012/20/93-आई.आर. (विविध)/आई.आर.(सी-1)]

एस. एस. गुप्ता, अवर सचिव

New Delhi, the 13th June, 2003

S. O. 1928.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 47/95) of the Central Government Industrial Tribunal-I, Mumbai now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Indian Airlines Ltd. and their workman, which was received by the Central Government on 12-06-2003.

[No. L-11012/20/93-IR(Misc)/IR(C-I)]

S. S. GUPTA, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 1, MUMBAI

PRESENT:

Shri Justice S. C. Pandey Presiding Officer

REFERENCE NO. CGIT-47/1995

PARTIES: Employers in relation to the management of Indian Airlines

AND

Their Workmen

APPEARANCES:

For the Management	:	Ms. Kunda Samant, Adv. Workman present in person.
For the Workman	:	Mrs. Pooja Kulkarni, Adv. Ms. Paralkar, Adv.
State	:	Maharashtra

Mumbai, dated the 23rd day of May, 2003

AWARD

1. The Central Government in exercise of its powers under clause 1 (d) of Sub-section (1) of Section 10 read with Sub-section 2A of 10 of the Industrial Disputes Act has referred the following dispute between the Indian Airlines Ltd (the company for short) and P. H. Koli (the workman for short).

"Whether the action of the management of the Indian Airlines now Indian Airlines Ltd. in dismissing Shri P. H. Koli Engineer Helper is justified? If not, to what relief, the workman is entitled ?"

2. It is not in dispute that by its Part Award dated 22nd December, 1996 the domestic enquiry held against the workman was held to be not fair and proper. It was set aside. The company was given opportunity to probe the charges against the workman.

3. Now the relevant facts necessary for giving this final award are being stated hereinafter. It is not in dispute that the company charged the workman with the misconduct of submitting false and forged caste certificate stating that the workman was a member of Mahadev Koli Tribe, which was declared as Scheduled Tribe in Maharashtra state. The charge sheet indicated that by submitting false certificate the workman had committed the misconduct covered by clause 28(11) and 28(33) of the Standing Orders applicable to the Factory workers. The workman was employed as a Engineering Helper. The aforesaid two clauses being reproduced here for ready reference.

Clause 28 (11) : Fraud and dishonesty with the business of the Corporation.

Clause 28 (33) : Giving false information regarding name, age, qualifications, ability or previous service at the time of employment.

It is not in dispute that aforesaid charges are stated in the charge sheet dated 21-6-1989.

4. Since the enquiry was set aside by Award dated 22-12-1998 the company was required to prove that the workman had submitted False certificate. The company filed the affidavit of P. D. Kale, P. P. Deval and Narayan Jadhav. All the three witnesses were cross-examined on behalf of the workman by his counsel Ms. Kunda Samant. Thereafter the company closed its case. Thereafter, the workman filed his affidavit. He was cross-examined on behalf of the company. The case of the workman was closed.

5. P.D. Kale stated in his affidavit stated that the workman had submitted a certificate dated 12-1-1979 (Exhibit A) apparently issued by the Executive Magistrate Palghar declaring that the workman was the member of "Mahdev Koli" tribe. The tribe certificate dated 12-1-1979 was sent for confirmation to the authority which purported to issue it by letter dated 14-9-1988 (Exhibit B). The Executive Magistrate sent a letter dt. 26-12-1998 (Exhibit C) saying that the certificate dated 12-1-1979 (Exhibit A) was not issued by him or his office. There was further verification done by the witness. Another letter dated 4-12-1989 (Exhibit D) confirmed the version. Mr. Kalse said that he was called upon to verify the authenticity of another certificate dated 4-5-1983, (Exhibit E) submitted by the workman. Even that certificate was found to be false. This was stated by the Executive Magistrate, Uran in his letter dated 29-6-1992. The cross examination of this witness did not in any way unsettle the aforesaid statement made by P. D. Kale in his affidavit. Thus it can be safely held that the company had received information from Executive Magistrate, Palghar that certificate dated 12-1-1979 was not issued by his office. It is apparent from the letters Exhibit C and Exhibit E. Mr. Narayan Jadhav, Tahsildar Palghar was examined also stated in his affidavit that he verified the record that the certificate dated 12-10-1979. Mr. S.B. Patil who purported to sign the certificate was not posted as Tahsildar, Palghar. One Shri. Khanvilkar was posted as a Tahsildar. It was stated in cross-examination that certificate in question did not bear the seal of his. Thus, the evidence of Narayan Jadhav corroborates that the Certificate dated 12-1-1979 purported to be signed by S. B. Patil, Executive Magistrate, Palghar was not issued by the office. The company also examined P. P. Deval. He had made investigation regarding the school Leaving Certificate of the workman. The School Leaving Certificate dated 10-1-1979 issued the High School run by Daulat Shikshan Sanstha, Malad stated showed that he was Hindu. Otherwise Statement of P. P. Deval is similar to that of P. D. Kale so far as the certificate issued by Palghar Magistrate is concerned. It was stated by this that on 23-2-1989 the workman had submitted another certificate dated 4-5-1989 purported to be issued by Executive Magistrate, Uran in Distt. Raigad. That too was found to be false. Nothing substantial gain was obtained by the workman from his cross examination. Thus, evidence of three witness shows that two false and forged certificates were submitted by the workman. The affidavit of the workman is not at all satisfactory. In cross examination this witness admits that he had submitted the two certificates *i.e.* 12-1-1979 and certificate issued by Executive Magistrate, Uran Distt. Raigad. He admitted he lived at Mumbai. He obtained the certificate from Palghar because his parents live there. He could not give any satisfactory explanation.

6. The result of the aforesaid discussion is that workman had submitted certificates which were never issued by the Palghar Executive Magistrate and Executive Magistrate Uran in Raigad Distt. Accordingly, the charge No. 1 is proved. So far as charge No. 2 is concerned it has not been proved because specifically it has not been framed in relation to facts of case. However, the facts of this case and the charge No. 1 by themselves are enough to sustain the order of dismissal. It is clear that the workman had submitted false certificate with a view to secure job. Such an act, if proved in a criminal court, would have resulted in imprisonment. In view of this matter the workman cannot be treated leniently.

7. The result is this reference is answered by stating that the Indian Airlines Ltd. was justified in dismissing P. H. Koli, the Engineering Helper from its services. The workman is not entitled to any relief. No costs.

S. C. PANDEY, Presiding Officer

नई दिल्ली, 13 जून, 2003

का. आ. 1929.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार भा. को. को. लि. के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण-I, धनबाद के पंचाट (संदर्भ संख्या 85/1997) को प्रकाशित करती है, जो केन्द्रीय सरकार को 12-6-2003 को प्राप्त हुआ था।

[सं० एल-20012/346/93-आई.आर.(सी-I)]

एस. एस. गुप्ता, अवर सचिव

New Delhi, the 13th June, 2003

S. O. 1929.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 85/1997) of the Central Government Industrial Tribunal-I, Dhanbad now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of BCCL and their workman, which was received by the Central Government on 12-6-2003

[No. L-20012/346/93-IR(C-I)]

S. S. GUPTA, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 1, DHANBAD

In the matter of a reference under Sec. 10(1)(d)(2A) of the Industrial Disputes Act, 1947.

Reference No. 85 of 1997

PARTIES: Employers in relation to the management of Putkee-Balibari Area of M/s. BCCL

AND

Their Workmen

PRESENT:

SHRI S. H. KAZMI, Presiding Officer

APPEARANCES:

For the Employers : None

For the Workman : None

State : Jharkhand Industry : Coal

Dated, the 3rd June, 2003

AWARD

By Order No. L-20012/346/93-IR(C-I) dated the 2nd April, 1997, the Central Government in the Ministry of Labour has, in exercise of the powers conferred by Clause (d) of Sub-section (1) and Sub-section (2A) of Section 10 of the Industrial Disputes Act, 1947, referred the following dispute for adjudication to this Tribunal :

"Whether the demand of the Union for the reference of Shri Faudari Cope to Medical Board for the assessment of his age is legal and justified ? If so, to what relief is the workman entitled ?"

2. It is evident from the record that this reference of the year 1997 is still pending for appearance and for filing written statement on behalf of the workman. None appeared at any stage and only adjournments were granted repeatedly in order to enable the workman or the union to appear and take necessary step but that proved to be of no avail and the position always remained the same. Further, it appears that on the last date like earlier adjournment was granted with clear observation that if no steps are being taken by the next date fixed then some necessary order relating to the final disposal of this reference would be passed. Notice was also ordered to be issued afresh under registered cover, but again no significant development could take place. It is thus apparent that the concerned workman or the union has lost interest in this case and does not want to pursue the same any further and since the person aggrieved or the person at whose instance the present case has been referred for adjudication is least intersted in pursuing the present case, it is needless rather it would be sheer wastage of time to allow this reference to remain pending any longer.

Thus, in view of all the aforesaid this reference stands finally disposed of.

S. H. KAZMI, Presiding Officer

नई दिल्ली, 13 जून, 2003

का. आ. 1930.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार भा.को.को.लि. के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण II धनबाद के पंचाट (संदर्भ संख्या 182/1993) को प्रकाशित करती है, जो केन्द्रीय सरकार को 12-6-2003 को प्राप्त हुआ था।

[सं. एल-20012/364/93-आई.आर.(सी-1)]

एस. एस. गुप्ता, अवर सचिव

New Delhi, the 13th June, 2003

S. O. 1930.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 182/93) of the Central Government Industrial Tribunal II Dhanbad now as shown in the annexure in the Industrial Dispute between the employers in relation to the management of BCCL and their workman, which was received by the Central Government on 12-6-2003.

[No. L-20012/364/93-IR(C-1)]

S. S. GUPTA, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 2 AT DHANBAD

PRESENT:

SHRI B. BISWAS, Presiding officer

In the matter of an Industrial Dispute under Section 10(1)(d) of the I.D. Act, 1947

Reference No. 182 of 1993

PARTIES:

Employers in relation to the management of M/s. B.C.C.L. and their workman.

APPEARANCES:

On behalf of the Workman : Shri B. B. Pandey, Advocate.

On behalf of the Employers : Shri B. M. Prasad, Advocate.

State : Jharkhand Industry : Coal

Dated, Dhanbad, the 27th May, 2003

AWARD

The Government of India, Ministry of Labour, in exercise of the powers conferred on them under Section 10(1)(d) of the I.D. Act, 1947 has referred the following dispute to this Tribunal for adjudication vide their Order No. L-20012/364/93-I.R. (Coal-I), dated, the 3/9-11-93.

SCHEDULE

"Whether the action of the management of M/s. BCCL Area No. XII, in denying wages and other benefits to the workman, Shri D.N. Singh, Dumper Operator, NLOCP for the period 10-7-89 to 1-12-90 is justified? If not, to what relief the concerned workman is entitled to?"

2. The case of the concerned workman according to W.S. submitted by the sponsoring Union on his behalf in brief is as follows :—

The sponsoring Union submitted that during the period from July 1989 to December 1990 the concerned workman was posted at Bagunia Project as Dumper Operator. They alleged that over the issue of claiming rest days of the night guards a dispute cropped up and on 10-7-89 when the concerned workman being the Branch President of Janata Mazdoor Sangh approached S.C. Chandra, Agent, he misbehaved with him and used some objectionable words and started to hold the notesheet with a view to keep it in his diary in presence of Satyanarayan Singh, Mahatam Singh, Fitter and H.S. Mukherjee, Manager. On this he opposed the said activities of the Agent and lastly took away the said notesheet from the hands of the said Agent. They alleged that over the said issue management issued chargesheet and suspended him from service. As a result, the concerned workman gave reply to the chargesheet not only but also opposed to the conduct of the enquiry officer who conducted the enquiry in unfair manner. They alleged that ultimately management dismissed the concerned workman from his service and the said order of dismissal was published in the newspaper *viz.* 'Awaz'. Accordingly, he submitted representation to the Director (Personnel) on 2-12-89 stating all the facts and the said Director after considering all aspects and being satisfied with the facts that the ex parte enquiry held against him as was not fair, proper and in accordance with the principle of natural justice issued order for withdrawal of that order of dismissal passed against him with effect from 15-12-90 and since then he has been performing his duty with continuity of service.

3. They alleged that the management, in spite of repeated demands did not pay him wages and other benefits for the period from 10-7-89 to 1-12-90 and for which they raised Industrial dispute before the ALC(C) for conciliation which ultimately resulted reference to this Tribunal for adjudication.

4. The sponsoring Union on behalf of the concerned workman submitted prayer for passing nccessary award directing the management to pay wages and other benefits to the concerned workman from 10-7-89 to 1-12-90.

5. The management on the contrary after filing W.S.-cum-rejoinder have denied all the claims and allegations which the sponsoring union asserted in the W.S. submitted on behalf of the concerned workman.

6. They submitted that as the concerned workman committed serious misconduct while he was attached to Begunia Projeet a chargesheet dt. 10-7-89 was issued to him and he was placed under suspension. Thereafter being dissatisfied with the reply given by the concerned workman order was issued for holding departmental enquiry against him. In course of enquiry proceeding charge brought against him was established and for which he was dismissed from his service by order dt. 8/11-11-89.

7. Thereafter, the concerned workman filed mercy petition to the management for reconsideration of his case and accordingly his case was reconsidered and he was resinstated in service with effect from 5-12-90 as per the order of the Competent Authority subject to the condition that he will not be entitled to get any wages for the period from the date of dismissal till the date of resumption of duties treating the period of idleness as absence without pay treating the period as dies non. His continuity of service was maintained for the purpose of payment of gratuity but he was not entitled to get any back wages.

8. The second condition was that he was to be transferred from Begunia Project to another colliery and accordingly he was posted at New Liakdih Open Cast Project in which mine he is working since December 1990.

9. They submitted that the order of dismissal passed by the management was reviewed by the higher authorities on the mercy petition filed by the concerned workman and on the basis of request made by the Union on his behalf. The punishment for commission of the misconduct was altered and he was reinstated with continuity of service but without back wages for the period of idleness and accepting that order he joined his duty at NLOCP. They submitted that raising the present dispute for payment of wages for the idle period from 10-7-89 to 1-12-90 is not legally maintainable as the concerned workman did not work during that period and for which he is not entitled to get any relief. Accordingly, management submitted prayer to pass award rejecting the claim of the concerned workman.

10. The points to be decided in this reference are :—

"Whether the action of the management of M/s. BCCL Area No. XII, in denying wages and other benefits to the workman, Shri D.N. Singh, Dumper Operator, NLOCP for the period 10-7-89 to 1-12-90 is justified? If not, to what relief the concerned workman is entitled to?"

FINDING WITH REASONS

11. It transpires from the record that the sponsoring Union in order to substantiate their claim has examined the concerned workman as WW-1 in this instant case. On the contrary management did not adduce any evidence in support of their claim.

12. Now let me consider how far the claim of the concerned workman stands on cogent footing.

Considering the evidence of WW-1 *i.e.* the concerned workman I find no dispute to hold that he was dismissed from service on the charge of misconduct with immediate effect. It is seen from the record that order of dismissal of the concerned workman was passed under signature of G.M. Chanch/Victoria Area *vide* Ref. No. GM/PS/89/3542 dt. 8/11-11-1989. It is also admitted the fact that against the said order of dismissal the concerned workman did not raise any industrial dispute. On the contrary he submitted representation to the Director (P) B.C.C.L. on 2-12-89 with a prayer for reinstating him in service recalling the order of dismissal passed by the G.M. The said representation of the concerned workman during his evidence was marked as Ext. W.1. The contention of the concerned workman is that in view of his representation the Director (P) considered his case and issued order for his reinstatement in service. In support of this case the concerned workman relied on the office order (Ext. W-2). From this office order dt. 3/15-12-90 it transpires that the concerned workman was directed to report for his duties to the Agent NLOCP to the post of Dumper Operator. The said order was issued with the approval of the competent authority. It is the contention of the concerned workman that in compliance to the direction of the management he joined his duties at NLOCP as Dumper Operator as 15-12-90. His specific claim is that the management in spite of recalling his order of dismissal did not pay his wages and other consequential relief from the date of his suspension *i.e.* from 11-7-89 to 14-12-90 illegally, arbitrarily and violating the principle of natural justice though his continuity in service was not affected in any manner.

13. Learned Advocate for the management at the time of extending his argument submitted that as the concerned workman submitted mercy petition and also as his union approached to the management for review the mercy petition submitted by the concerned workman the higher authority after reviewing his prayer issued order for his reinstatement with continuity in service but without back wages for the period of his idleness.

14. In course of hearing the management have failed to produce the mercy petition which the concerned workman submitted to the higher authority. On the contrary from the copy of the representation submitted by the concerned workman Ext. W-1 it transpires that he narrating the entire fact requested the higher authority to review his order of dismissal passed by the G. M. and to reinstate him to his service. The office order marked as Ext. W-2 speaks clearly that the order of dismissal was recalled and the concerned workman was allowed to resume his duties as Dumper Operator at NLOCP. This office order does not make any whisper that the concerned workman will not be allowed to get back wages during the period of his idleness. Learned Advocate for the management in course of hearing had brought to the notice of the letter dt. 11-9-90 issued by GM (IR) addressed to GM Chanch/Victoria in support of his claim. From the contents of this letter it transpires that the concerned workman will be reinstated to his service subject to following terms and conditions after making settlement with the workman concerned/union :

(1) Shri D. N. Singh will be reinstated immediately.

(2) He will not be entitled for any wages for the absence from the date of his dismissal till he resumes duty and the period of absence will be treated as dies-non.

(3) Shri D. N. Singh will be posted in Kusunda Area of BCCL for placing in a colliery under the said area.

Considering the terms and conditions stated above there is no whisper at all that the concerned workman will not get any wages from the date of his suspension till date of the joining. It is clear that he will not get any wages from the date of his dismissal till the date of his joining. The order of dismissal shows that it came into effect on and from the date of 11-11-89. The order of dismissal was withdrawn with effect from 15-12-90. The concerned workman joined his new place of posting on 15-12-90. If this office letter dt. 11-9-90 is taken into consideration in that case the concerned workman was not entitled to get any back wages for the period from 11-11-89 to 14-12-90 but not from 11-7-89 i.e. from the date of his order of suspension. No satisfactory explanation on the part of the management is forthcoming why the back wages during the period of suspension till the date of dismissal has been withheld.

15. Apart from this fact the vital point which has come into question if as per instruction given in the letter dt. 11-9-90 the G.M. Chanch/Victoria Area had entered into any settlement with the workman concerned/union over the following terms of settlement. In this regard also the management in course of hearing has failed to produce any cogent document to show that the order of dismissal of the concerned workman with withdrawn on the basis of the terms of settlement. From the office order dt. 13/15-12-90 Ext. W-2 I also do not find any whisper that the order of dismissal was withdrawn on the basis of terms of settlement as pointed out in the letter dt. 11-9-90. The concerned workman during his evidence categorically submitted that the management before issuing reinstatement order did not enter into any agreement that he would not be allowed to draw full wages and allowances for the period from 11-7-89 to 14-12-90. In view of specific claim made by the concerned workman the management cannot avoid their responsibility to establish this fact. I find no hesitation to say that in view of terms of settlement the concerned workman was debarred from drawing back wages, for the period in question. No satisfactory explanation is forthcoming why the management did not make any whisper

in this regard in the office order dt. 15-12-90 (Ext. W-2). Management also have failed to substantiate that before passing the reinstatement order due intimation was given to the concerned workman that he would not be permitted to draw back wages during the period of his idleness on the ground of his suspension and order of dismissal. As no official order was issued to that effect on the part of the management I do not find any cogent ground to ignore the claim of the concerned workman. In the office order dt. 13/15-12-90 Ext. W-2 the management has referred to a letter No. BCCL:GM:(P):PS:90 : 5134-35 dt. 4-12-90 but as the management have failed to produce any copy of such letter there is no scope to draw any opinion relating to contents of that letter. Considering all aspect there is sufficient reason to believe that the management with utter negligence proceeded with the hearing of this case. They not only refrained themselves for the reasons best known to them, from adducing any evidence orally but also have failed to produce any material document in order to substantiate their claim to counteract the claim of the concerned workman. As no specific order is forthcoming to show that the concerned workman will not be entitled to draw wages during the period of his idleness on the ground of his suspension and dismissal they cannot deprive the concerned workman from drawing his wages for the period in question.

In the result, the following Award is rendered :—

"The action of the management of M/s. B.C.C.L. Area No. XII, in denying wages and other benefits to the workman, Shri D. N. Singh, Dumper Operator, NLOCP for the period 10-7-89 to 1-12-90 is not justified. Consequently, the concerned workman is entitled to get wages and other benefits from 10-7-89 to 1-12-90."

The managemnt is directed to implement the Award within three months from the date of its publication in the Gazette of India in the light of the observation made above.

B. BISWAS, Presiding Officer

नई दिल्ली, 13 जून, 2003

का. आ. 1931.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार भा.को.को.लि. के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण II, धनबाद के पंचाट (संदर्भ संख्या 16/99) को प्रकाशित करती है, जो केन्द्रीय सरकार को 12-6-2003 को प्राप्त हुआ था।

[सं. एल-20012/162/97-आई.आर.(सी-1)]

एस. एस. गुप्ता, अवर सचिव

New Delhi, the 13th June, 2003

S. O. 1931.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 16/99) of the Central Government Industrial Tribunal II, Dhanbad now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of BCCL and their workman, which was received by the Central Government on 12-6-2003.

[No. L-20012/162/97-IR(C-1)]

S. S. GUPTA, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 2 AT DHANBAD

PRESENT:

SHRI B. BISWAS, Presiding Officer

In the matter of an Industrial Dispute under Section 10(1)(d) of the I.D. Act, 1947

REFERENCE NO. 16 OF 1999

PARTIES: Employers in relation to the management of Sijua Area of M/s. B.C.C.L. and their workman.

APPEARANCES:

On behalf of the workman :	Shri D. Mukherjee, Secretary, Bihar Colliery Kamgar Union.
On behalf of the employers :	Shri D. K. Verma, Adovcate.

State : Jharkhand Industry : Coal

Dated, Dhanbad, the 27th May, 2003

AWARD

The Government of India, Ministry of Labour, in exercise of the powers conferred by them under Section 10(1)(d) of the I.D. Act, 1947 has referred the following dispute to this Tribunal for adjudication vide their Order No. L-20012/162/97-I.R. (Coal-I), dated, the 7th January, 1999.

SCHEDULE

KYA B.C.C.L MUDIDIH COLLIERY SIJUA KSHETRA DWARA SHRI NANKU SAO, EXPLOSIVE CARRIER KO JOGTA ANUBHAG MEY DI GAI JANMA THARIKH 28-9-34 KEY ADHAR PAR DINANK 27-9-97 SE SEVA NIVRIT KARNA NAYASANGAT HAY ? JABKI SIJUA KSHETRA KEY SAVI RECORDS MEY UNKI JANMA THARIKH 2-5-48 DIKHAI GAI HAI ? YADI NAHI TO KARMAKAR KIS RAHAT KEY PATRA HAI? "

2. Case of the concerned workman according to the W.S. submitted by the sponsoring Union on his behalf in brief is as follows :—

The sponsoring Union submitted that the concerned workman was an Explosive Carrier under the management and he got his appointment as General

Mazdoor on 28-9-71. They submitted that at time of his appointment the date of birth of the concerned workman was recorded as 4-5-48 in the Form B Register. After appointment the management issued I. D. Card to him stating therein his full particulars as recorded in the Form B Register. The said I. D. Card disclosed his date of birth as 4-5-48. In the year 1987 management issued service excerpt to the concerned workman wherein also his date of birth was recorded as 4-5-48. They submitted that in consultation with all the Centrally operated trade union the management of CIL issued service excerpt to all the employees of the coal industries wherein and whereby it was settled that the date of birth mentioned in the service excerpt will be treated as final if no objection is raised by the employees. It was also agreed upon that in the event of raising objection the employee will be referred to the Medical Board for determination of his age and decision of the Medical Board will be final. In pursuance of the aforesaid policy decision like other employees the concerned workman was also supplied with a service excerpt by the management wherein and whereby his date of birth was recorded as 4-5-48 and the concerned workman returned the service excerpt putting his signature and thereby it means that the concerned workman accepted his age and confirmed the same as recorded in the service excerpt. Inspite of all these facts the management superannuated the concerned workman with effect from 27-9-94 considering his date of birth as 28-9-34 illegally and arbitrarily. They submitted that immediately after issuance of notice of superannuation the concerned workman submitted representation through his sponsoring union for rectification of his date of birth but to no effect. Thereafter several representations were submitted to the management by the sponsoring union on behalf of the concerned workman in this regard but that also did not yield any result. As a result the sponsoring union raised an Industrial Dispute before the ALC (C) which ultimately resulted reference to this Tribunal. Accordingly the sponsoring union submitted prayer to pass award directing the management to reinstate the concerned workman with full back wages accepting his date of birth as 4-5-48.

3. The management on the contrary after filing the W.S.–cum-rejoinder have denied all the claims and allegation which the sponsoring union asserted in the W.S. submitted on behalf of the concerned workman. The management submitted that date of birth of the concerned workman was recorded as 8-5-34 in the Form B Register. The date of birth in the non-executive information system which is a computerised data of the company is also recorded as 28-9-34. On the basis of the date of birth recorded in the Form B Register the concerned workman was legally superannuated from his service, with effect from 27-9-94. Accordingly they submitted that the claim of the concerned workman connot be entertained on the basis of some manipulated document which he relied on in support of his claim. In view of the facts and circumstances management submitted that an award may be passed rejecting the claim of the concerned workman.

4. The points to be decided in this reference are :—

"KYA B.C.C.L. MUDIDIH COLLIERY SIJUA KSHETRA DWARA SHRI NANKU SAO, EXPLOSIVE CARRIER KO JOGTA ANUBHAG MEY DI GAI JANAMA THARIKH 28-9-34 KEY ADHAR PAR DINANK 27-9-94 SE SEVANIVRIT KARNA NAYASANGAT HAY, JABKI SIJUA KSHETRA KEY SAVI RECORDS MAY UNKI JANMA THARIKH 2-5-48 DKIHAI GAI HAI ? YADI NAHI TO KARMAKAR KIS RAHAT KEY PATRA HAI ?"

FINDING WITH REASONS

5. The sponsoring Union in order to substantiate the claim examined the concerned workman as witness in the instant reference case while the management also in support of their claim examined one witness as MW-1. Considering the evidence of WW-1 i.e. the concerned workman it transpires that he entered in the service of the erstwhile management in the year 1971 as General Mazdoor at Mudidih Jogta Colliery. Thereafter his designation was changed as Explosive Carrier. He disclosed that at the time of his appointment the management recorded all his credentials including his date of birth in the Form B Register and relying on the particulars recorded in the Form B Register they issued I.D. Card to him wherein his date of birth was recorded as 4-5-48. He disclosed that at the time of his appointment his date of birth was given to the management as 4-5-48 for its recording in the Form B Register. Thereafter in the year 1987 management issued service excerpt to him with a view to make his comments in relation to any entry therein including date of birth. He submitted that as the particulars recorded in the service excerpts were perfectly done including his date of birth as 4-5-48 he returned back the original service excerpt by making his endorsement therein, retaining its copy in his possession. The copy of the service excerpt during his evidence was marked as Ext. W-1. The original I.D. Card which was issued to him by the management wherein also his date of birth was recorded as 4-5-48 marked Ext. W-2. The representations which through his union he submitted marked as Ext. W-3 series. He alleged that inspite of his recording his date of birth as 4-5-48 in the Form B Register, in the I.D. Card, in the service excerpt as 4-5-48 the management issued notice of superannuation to him and thereafter superannuated him from his service with effect from 27-9-94 illegally, arbitrarily and violating the principle of natural justice. He alleged further that the management did not pay any importance to the representation submitted on his behalf in this regard. On the contrary in course of evidence of MW-1 management produced Form B Register of Mudidih colliery. From this Form B register the name of the concerned workman appears in Sl. No. 176 wherein his

date of birth was recorded as 37 years as on 28-9-71 which was marked as Ext. M1. This witness during his evidence admitted that no copy of the Form B Register was handed over to the concerned workman, with a view to keep information in relation to the particulars recorded therein. During cross-examination this witness admitted that as per procedure as soon as the name of the concerned workman and other particulars are recorded in Form B Register at the time of his appointment its authenticity is accepted by taking signature/LTI of the workman. I find support of this claim as the Form B Register maintained a specific column *i.e.* column No. 11 for taking signature or LTI of the employee. It is seen that this column has left blank. Therefore it shows that according to the procedure the management did not take any signature/LTI of the concerned workman in the Form B Register which is considered as statutory register under Section 48 of the Mines Act. This should be considered as gross illegality. The witness i.e. MW-1 during his evidence disclosed that to remove all anomalies recorded in the Form B Register service excerpt was issued to all the workman to get their comments for rectification of any error in the said register. It is seen that the management in course of hearing did not produce the original service excerpt which was collected from the concerned workman after getting his signature inspite of calling for the same by the workman. From the copy of the service excerpt which was retained by the concerned workman Ext. W-1 it shows clearly that the date of birth of the concerned workman was recorded as 4-5-48 and date of appointment as 28-9-71. This service excerpts shows some entries are written in one ink and some entries specially date of birth and date of appointment are written in different ink. No satisfactory explanation is forthcoming either on the part of the management or on the part of the concerned workman how two different colour of ink appears in different columns in service excerpts. The management in their W.S. alleged that the concerned workman manipulating certain documents claimed his date of birth as 4-5-48 knowing fully well that his actual date of birth was 28-9-34. It is seen that the concerned workman relied on I.D. Card and service excerpt issued by the management. The management casted doubt about the genuinity of these two documents. Accordingly onus absolutely was on them to establish if these two documents are genuine or not. But in course of evidence they failed to produce a single scrap of paper to show that these two documents were manufactured by the concerned workman or his union for long enjoyment of his service.

6. MW-1 during cross-examination admitted that prior to 1987 the I.D. Card was the only document which would expose service particulars of the workman including the date of birth which was to be issued to the workman. He further admitted that service excerpt was issued to the concerned workman as per particulars recorded in the Form B Register. He further admitted that the date of birth recorded in the service excerpt should be considered as final if the workman does not raise any objection. He also admitted that the concerned workman did not raise any objection relating to his date of birth recorded in the service excerpt while he re-submitted the same before the management. Therefore, from the evidence of MW-1 it transpires clearly that particulars recorded in the service excerpt was handed over to the concerned workman as replica of the Form B Register but I do not find support of this claim particularly in the instant case. The original Form B Register which the management relied on shows clearly that in the column of the date of birth the age of the concerned workman was recorded as 37 years as on 28-9-71. If the service excerpt is considered as replica of the Form B Register then the same would have been exposed in the service excerpt. Here it is seen that particulars given in the service excerpt specially his date of birth does not tally with the date of birth recorded in the Form B Register. No satisfactory explanation is forthcoming how date of birth of the concerned workman was recorded as 4-5-48 in the I.D. Card as well as in the service excerpt particularly when his age was recorded as 37 years as on 28-9-71 in the Form B Register. The signature column i.e. Column No. 11 remained blank. It is also clear that at the time of filling up the particulars of the concerned workman in the Form B Register his signature was not taken. Such in action of the management can be interpreted in two ways either they ignored to take the signature of the concerned workman while particulars in the Form B Register were filled up or the particulars were filled up behind the knowledge of the concerned workman. Learned Advocate for the management in course of hearing has failed to give any satisfactory explanation to this effect. However, considering the materials on record it is seen that the age of the concerned workman appear in the I.D. Card and service excerpt do not tally with his age recorded in the Form B Register. The management did not consider necessary to produce the I.D. Card Register to show that the date of birth recorded in the I.D. Card was manipulated one. However, it can be taken into consideration that I.D. Register as well as service excerpt cannot be considered as statutory document while as per Section 48 of the Mines Act, the Form B Register is considered as statutory register and for which its authenticity cannot be challenged, until and unless any gross discrepancy arises. Here it is seen that the concerned workman through his sponsoring union submitted representation to the managment on receipt of the notice of superannuation as gross discrepancy came into existence relating to his date of birth. It is the specific claim of the concerned workman that his date of birth was 4-5-48 and he disclosed his date of birth to the management at the time of his appointment. JBCCI Circular No. 76 has made out guidelines which will be valid for recording the date of birth of any workman who is non-matriculate but educated. It is seen that the concerned workman returned back the service excerpt duly signed by him. No evidence is forthcoming that he is illiterate. Accordingly the case of

the concerned workman may be taken into consider as per clause (A) (ii) of the JBCCI Circular No. 76. The guidelines is as follows :—

> "In the case of appointees who have pursued studies in a recognised educational institution, the date of birth recorded in the School Leaving Certificate shall be treated as correct date of birth and the same will not be altered under any circumstances."

It is fact that this instruction as per instruction No. 76 was not prevailing when the concerned workman entered into his service. But this guideline should be taken into consideration very much after 1987 when service excerpt was issued to him by the management and when he asserted firmly that his date of birth is 4-5-1948. In support of his assertion the concerned workman had got the scope to submit his school leaving certificate but did not do so. He also did not submit any cogent paper to show that his date of birth was 4-5-48. Actually no supporting evidence is forthcoming that date of birth of the concerned workman was 4-5-48. There is reason to believe that as his date of birth appearing in the I.D. Card as well as in the service excerpt is 4-5-48 he asserted that date of birth, however, it is fact that the management inspite of taking notice of gross anomaly about recording date of birth of the concerned workman in different documents issued by them did not take cognizance of the same though representation was made on behalf of the concerned workman. This attitude of the management I should say has exposed their callousness to deal with the situation. As per JBCCI circular it is clear that the aggrieved workman ought to be sent before the age determination committee/medical board to be constituted by the management for determination of his age when gross anomaly relating to recording of date of birth in different documents of the management came into existence. The management have failed to establish that I.D. Card and service excerpt Ext. W-2 and W-1 were prepared maliciously by the concerned workman for his own gain causing damage to the interest of the management. Therefore there is no scope to challenge the authenticity of these two documents. Accordingly in view of the guidelines given by the JBCCI circular No. 76 the responsibility of the management was to send the concerned workman before the Apex Medical Board for determination of age but they did not do so due to their whimsical attitude.

6. Now the point for consideration is whether the date of birth recorded in the I.D. Card as well as service excerpt as 4-5-48 shall be considered as conclusive and final. I have already discussed above that the I.D. Card and service excerpt are not statutory document and for which its authenticity cannot be relied on like that of the entries made in the Form B Register as the Form B Register is as statutory one and the same is maintained under Section 48 of the Mines Act. It is seen that two different dates are appearing from the management's document and inspite of bringing notice of the same the management did not take any step for rectification. The material facts recorded in the Form B Register in respect of the concerned workman has also come to question because of the fact that his signature or LTI was not taken by the management officially while these entries were filled up. There is reason to believe under these circumstances that those entries were not filled up in presence of the concerned workman and accordingly it has lost its force for acceptance. The concerned workman also in course of hearing has failed to produce his school leaving certificate as per JBCCI circular No. 76 to show that his date of birth was 4-5-48 and not 28-9-1934. Therefore I also did not find any cogent ground to accept the claim of the concerned workman that his date of birth is 4-5-48. When such circumstance is prevailing it is very much difficult to draw any conclusion if the date of birth of the concerned workman is 4-5-48 or 28-9-34. Under these circumstances I consider that the age of the concerned workman is required to be determined by the Apex Medical Board as per Instruction of clause (E) of JBCCI Circular No. 76. The direction given in clause (E) is as follows :—

> "Medical Board constituted for determination of age will be required to assess the age in accordance with the requirement of "Medical Jurisprudence" and the Medical Board will as far as possible indicate the accurate age assessed and not approximately ."

7. In view of my discussion and also considering all aspects carefully I hold that the management without determination of age of the concerned workman through Apex Medical Board Superannuated him from his service illegally, arbitrarily and violating the principles of natural justice inspite of appeal made by the concerned workman through his sponsoring union.

In the result, the following Award is rendered :—

> "The action of the management of Mudidih Colliery, Sijua Area of M/s. BCCL is not justified in superannuating the concerned workman with effect from 27-9-94 on the basis of the date of birth 28-9-34 given by the Jogta Section. Consequently, the management is directed to arrange for medical examination of the conerned workman through Apex Medical Board following the medical jurisprudence as per provision laid down in Clause (E) of JBCCI Circular No. 76. The decision of the Medical Board will be final in relation to the claim of the concerned workman and also that of the management and the management will move accordingly in view of the report of the Medical Board."

The management is directed to implement the Award within three months from the date of its publication in the Gazette of India in the light of the observation made above.

B. BISWAS, Presiding Officer

नई दिल्ली, 13 जून, 2003

का. आ. 1932.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार एअर इण्डिया के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, II मुम्बई के पंचाट (संदर्भ संख्या 24/99) को प्रकाशित करती है, जो केन्द्रीय सरकार को 12-6-2003 को प्राप्त हुआ था।

[सं. एल-11012/49/98-आई.आर.(सी-1)]

एस. एस. गुप्ता, अवर सचिव

New Delhi, the 13th June, 2003

S.O. 1932.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 24/99) of the Central Government Industrial Tribunal II, Mumbai now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Air India and their workman, which was received by the Central Government on 12-6-2003.

[No. L-11012/49/98-IR(C-1)]

S. S. GUPTA, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. II, MUMBAI.

PRESENT:

S. N. SAUNDANKAR, Presiding Officer

REFERENCE NO. CGIT-2/24 OF 1999.

EMPLOYERS IN RELATION TO THE MANAGEMENT OF AIR INDIA

Director (HRD)
Air India Limited,
Air India Bldg.,
Nariman Point,
Mumbai - 400 021.

AND

Their Workman
Shri K.K. Solanki,
K.P. Sharma Chawl,
Jawahar Nagar,
Pipe Line,
Khar(E),
Mumbai - 400 051,

APPEARANCES:

FOR THE EMPLOYER : Mr. Benny Francis i/b. M/s. Kini & Co., Advocates.

FOR THE WORKMAN : Mr. M.B. Anchan Advocates.

Mumbai, Dated 7th March, 2003

AWARD - PART-II

By the Interim Award dtd. 15th January, 2002 this Tribunal held that the domestic inquiry conducted against the workman Solanki was as per the Principles of Natural Justice and the findings of the inquiry officer are not perverse. Consequently point as regards the quantum of punishment remained to be considered in the light of the amended provision of Section 11-A of the Industrial Disputes Act in so far as issue No. 3 and 4 are concerned.

2. Both workman and the management did not lead oral evidence vide pursis (Exhibit-26/28). Workman filed written submissions (Exhibit-29) and the management (Exhibit-30). On going through the record as a whole and the written submissions and hearing the counsels I record my findings on issues Nos. 3 & 4 as follows:—

Issues	Findings
1. Whether the action of the management in dismissing Solanki the workman from service w.e.f. 22-10-92 is legal and justified?	Yes
2. If not to what relief the workman is entitled to ?	As per order below.

REASONS

3. The charge proved against the workman is that after breaking off duty, he entered in to the aircraft VT-EJH.which arrived as Flight AI-885 from Goa at 12 hours on 5-10-88 parked at Bay No. 47, and while going out of the aircraft, he was caught by the security guard on duty on the aircraft carrying 30 gold bars of ten tollas each and that he had recovered further quantity of 59 gold bars concealed in the first class toilet totaling 89 gold bars of 10 tollas each local money value of Rs. 32,01,427.90ps. and further it was transpired that the workman had done that as he had promised consideration of Rs. 25,000/- from gold smugglers viz. Mr. Jahangir and Mr. Ismailbhai.

4. The Learned Counsel Shri M.B. Anchan for the workman submits that past record of the workman was unblemished and considering the service, inviting attention to Section 11 of the Act he urged that punishment imposed is disproportionate. The Learned Counsel Mr. Benny Francis for the management submitted that workman by proved misconduct assisted smugglers and that considering the present position in this delicate industry if the person like workman is continued in the service the industry would suffer heavy loss. He submits that even a single act of misconduct if found to be of gravest nature warrants dismissal. True it is penalty imposed must be commensurate with the gravity of the offence charged and that it should not be vindictive or unduly harsh and should not be disproportionate to the offence to shock the conscience. So far as powers under Section 11 is concerned Court has to exercise judicially and in accordance with the well settled

judicial principles as laid down in USV Ltd. V/s. Maharashtra General Kamgar Union & Anr. 1997 (II) CLR 317. Considering the proved charge which is of serious nature, lack of integrity and honesty in the light of the rulings hardly can be said that the punishment of dismissal imposed upon the workman is disproportionate. In this view of the matter the action of the management being totally legal and justified workman is not entitled to any reliefs and that his claim being devoid of substance deserves to be dismissed. Issues are therefore answered accordingly and hence the order :—

ORDER

The action of the management of Air India Ltd. in dismissing the services of Mr. Solanki Sr. Handyman w.e.f. 22-10-1992 is legal and justified.

S. N. SAUNDANKAR, Presiding Officer

नई दिल्ली, 13 जून, 2003

का. आ. 1933.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार भा.को.को.लि. के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण II, धनबाद के पंचाट (संदर्भ संख्या 318/2001) को प्रकाशित करती है, जो केन्द्रीय सरकार को 12-6-2003 को प्राप्त हुआ था।

[सं. एल-20012/488/2001-आई.आर.(सी-1)]

एस. एस. गुप्ता, अवर सचिव

New Delhi, the 13th June, 2003

S. O. 1933.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 318/2001) of the Central Govemment Industrial Tribunal II, Dhanbad as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of BCCL and their workman, which was received by the Central Government on 12-6-2003.

[No. L-20012/488/2001-IR(C-1)]

S. S. GUPTA, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL (NO. 2) AT DHANBAD

PRESENT:

SHRI B. BISWAS, Presiding officer

In the matter of an Industrial Dispute under Section 10(1)(d) of the I.D. Act, 1947

REFERENCE NO. 318 OF 2001

PARTIES: Employers in relation to the management of of Sijua Area of M/s. B.C.C.L. and their workman.

APPEARANCES:

On behalf of the workman : Shri R.C. Sinha, Advocate

On behalf of the employers : Shri R.N.Ganguly, Advocate.

State : Jharkhand Industry : Coal.

Dated, Dhanbad, the 19th May, 2003

AWARD

The Government of India, Ministry of Labour, in exercise of the powers conferred on them under Section 10(1)(d) of the I.D. Act, 1947 has referred the following dispute to this Tribunal for adjudication vide their Order No. L-20012/488/2001 dated, the 13th December, 2001.

SCHEDULE

"Whether the management of Loyabad Hospital, BCCL is justified in dismissing Shri Suresh Paswan from service ? If not, to what relief is the concerned workman is entitled ?"

2. In this reference both the sides appeared and filed their respective W.S. Subsequently, in course of hearing both the sides appeared and filed a settlement petition, under their signature. Heard both sides and also perused the settlement petition. I find that the terms contained therein are fair, proper and in accordance with the principles of natural justice. Accordingly I accept the same and pass an Award in terms thereof which forms part of the Award as annexure.

B. BISWAS, Presiding officer

BEFORE THE PRESIDING OFFICER CENTRAL GOVT. INDUSTRIAL TRIBUNAL NO. II, DHANBAD

Ref. Case No. 318/2001

PARTIES: Employers in relation to the management of Central Hospital Loyabad under Sijua Area of M/s. B.C.C.L.

AND

Their workman.

PETITION FOR SETTLEMENT

The Joint petition of settlement on behalf of the employers/management and their workman, namely Sri Suresh Paswan respectfully sheweth :—

(1) That the Central Government, Ministry of Labour, New Delhi vide their notification No. L-20012/488/2001 IR (C-1) dated 13-12-2001 has referred the present dispute to this Hon'ble Tribunal Dhanbad for adjudication with the following schedule :—

"Whether the management of Loyabad Hospital BCCL is justified in dismissing Sri Suresh Paswan from service? If not to what relief is the concerned workman entitled ?"

(2) That the employers/management and the workman for good and harmonious industrial relation discussed the above dispute between themselves and arrived at a settlement on the following terms and conditions.

Terms & conditions of settlement

(i) That it has been agreed that the workman concerned Sri Suresh Paswan, Ex-Security Guard, Regional Hospital Loyabad shall be reinstated in service on the same scale of pay he was enjoying at the time of dismissal subject to off course on reinstatement, he shall be posted and transferred to Katras Area.

(ii) That the workman concerned should have not attained the age of superannuation.

(iii) That it has been agreed that the workman concerned on reinstatement shall discharge his duty with sincerity, devotion and loyalty and in the best interest of the Company.

(iv) That it has been agreed that the workman concerned Sri Suresh Paswan on reinstatement shall not be entitled for any wages for the idle period i.e. from the date of his dismissal till he resumes his duty at Katras Area and the idle period shall be treated as dies-non.

(v) That it has been agreed further that Sri Suresh Paswan shall be a fresh member of CMPF on his reinstatement as he had withdrawn the CMPF accumulation from CMPF Office Dhanbad.

(vi) That it has also been agreed that the workman Sri Suresh Paswan shall not repeat any misconduct nor indulge in any act of subversive of discipline failing which he shall render himself for stern disciplinary action as per gravity of the case in terms of certified standing order of the Company as applicable.

(vii) That it has also been agreed that Sri Suresh Paswan shall abide by the Coal Mines Pension Scheme 1998 and contribution there of as applicable.

(viii) That it has been agreed that seven copies of this settlement duly signed by the parties would be filed before this Hon'ble Tribunal.

That in view of the above settlement this Hon'ble Tribunal may be graciously be pleased to pass an Award in terms of settlement Award.

For this the employer/management and the workman shall ever pray

Workman/Union	**Employer/management Rep. representative**
(1) Suresh Paswan	(S.P. Singh)
Ex-Workman concerned	General Manager
	(B.P. Jaiswal)
	Dy. CPM
	(Dr. J. L. Mathur)
	Dy. C. M. O.
	(N. P. Singh)
	Personnel Manger

Witnesses

(1) Ramanand Singh

(2) Illegible

नई दिल्ली, 16 जून, 2003

का. आ. 1934.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार मैसर्स एस.जी.एस. इंडिया प्रा. लि. के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में औद्योगिक अधिकरण/श्रम न्यायालय, विशाखापत्तनम के पंचाट (संदर्भ संख्या 2/2003) को प्रकाशित करती है, जो केन्द्रीय सरकार को 13-6-2003 को प्राप्त हुआ था।

[सं. एल-34011/4/2002-आई.आर. (एम)]

अजय कुमार, डैस्क अधिकारी

New Delhi, the 16th June, 2003

S.O. 1934.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 2/2003) of the Industrial Tribunal-cum-Labour Court, Visakhapatnam as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of M/s. S.G.S. India Pvt. Ltd. and their workman, which was received by the Central Government on 13-6-2003.

[No. L-34011/4/2002-IR(M)]

AJAY KUMAR, Desk Officer

ANNEXURE

BEFORE THE INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT VISAKHAPATNAM

PRESENT:

SHRI Y. DHILLESWARA RAO, B.A., LL.B., Chairman & Presiding Officer

Dated : 15th Day of May, 2003

I.T.I.D. (C) 2/2003

Reference No. L-34011/4/2002-IR(M)

DATED : 01-11-2002

BETWEEN:

The General Secretary,
Visakhapatnam Harbour &
Port Workers Union,
D. No. 26-26-27,
Harbour Approach Road,
Visakhapatnam-530001 .....Petitioner/Workman

AND

The Branch Manager,
M/s. SGS India Pvt. Ltd.,
30-9-4/2, 1st floor, Sarada Street
Dabagardens,

Visakhapatnam .....Respondent/Management

This is a reference made by the Government of India Under Sec.10(1)(d) of Industrial Disputes Act, 1947 for adjudication of the dispute.

This dispute is coming on for claim statement of the workman after issuing notice, but the workman called absent after receipt of the notice. Sri Y. Venkata Rao, Advocate is appearing for management; As there is no representation on behalf of the workman, the Court passed the following :

AWARD

Workman union called absent. No representation. Management present. Matter is coming finally for claim statement. Matter passed over till 12.10 p.m. This I.D. is dismissed for default. Nil award is passed.

Given under my hand and seal of the Court this the 15th day of May, 2003.

Y. DHILLESWARA RAO, Presiding Officer

नई दिल्ली, 17 जून, 2003

का. आ. 1935.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार एस.सी.सी.एल. के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण हैदराबाद (संदर्भ संख्या 87/2002) को प्रकाशित करती है, जो केन्द्रीय सरकार को 16-6-2003 को प्राप्त हुआ था।

[सं. एल-22013/1/2003-आई.आर.(सी-II)]

एन. पी. केशवन, डैस्क अधिकारी

New Delhi, the 17th June, 2003

S. O. 1935.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 87/2002) of the Central Government Industrial Tribunal-cum-Labour Court Hyderabad as shown in the annexure in the Industrial Dispute between the employers in relation to the management of SCCL and their workman, which was received by the Central Government on 16-6-2003.

[No. L-22013/1/2003-IR(C-II)]

N. P. KESAVAN, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM LABOUR COURT AT HYDERABAD

PRESENT

Smt. T. Sujatha, B.Sc., LL.B., Presiding Officer

Dated : 29th Day of April, 2003

INDUSTRIAL DISPUTE L.C.I.D. No. 87/2002

BETWEEN :

Smt. Krishna Bai,
W/o Sri Sisupal Ram,
Near G.M. Office,
Bellampalli, Dist. Adilabad, ...Petitioner

AND

1. The General Manager,
   The Singareni Collieries Co. Ltd.,
   Post. Bellampalli-504251
   District Adilabad.
2. The Medical Superintendent,
   Health Department Area Hospital,
   The Singareni Collieries Co. Ltd.,
   Post. Bellampalli-504251
   District Adilabad. .....Respondents

APPEARANCES :

For the Petitioner : Sri Dhonday Ram Mane, Advocate

For the Respondent : M/s K. Srinivasa Murthy, V. Uma Devi & C. Vijaya Shekar Reddy, Advocates

AWARD

This is a case taken under Sec. 2A(2) of the I.D. Act, 1947 in view of the judgment of the Hon'ble High Court of Andhra Pradesh reported in W.P. No.8395 of 1989 dated 3-8-1995 between Sri U. Chinnappa and M/s. Cotton Corporation of India and two others.

2. The brief facts as stated in the Petition are : That the Petitioner was employed under the Respondents as sweeper in Health Department at Ramagundam, Karimnagar District for 18 years and was retired abruptly without any prior notice or enquiry by order dated 2-2-2000. His normal date of superannuation was notified by the Respondents as on 28-2-2002 vide proceedings No.HDB/25/99 dated 26-12-99. He was drawing Rs. 5763.85 Ps. as per month as per wage-slip issued by the Respondents for the month of September, 1999. The Petitioner made a representation to the Respondents opting for voluntary retirement and prayed for appointment of her son Sri Shoban Babu in lien of her opting for voluntary retirement on medical grounds. She and her son were medically examined and she was found not fit by proceedings No. 403 dated 1-2-2000. Her prayer for her son's appointment was negatived as already one of her sons Sri Ravinder was employed when her husband voluntarily retired in 1993, as per the rules in force.

3. The Petitioner submitted that her elder son Sri Ravinder was appointed in place of her husband is married and living in Kothagudem with his wife and children which 300 Kms or above away from Ramagundam and he is not providing any financial assistance to the parents. That the Respondents removed the Petitioner from service without paying any terminal benefits except gratuity and also this retirement is 24 months earlier to the actual superannuation. She made representation to reconsider her case on 30-7-2001 to the Respondents and the same

was not considered. The Petitioner got issued a lawyer notice dated 15-11-2001 for which the Respondent did not give reply. The Petitioner prays for a direction to the Respondents for reinstatement and payment of full back wages from February, 2000.

4. A counter was filed stating that the claimant filed the present claim contending that she has been forcibly retired from the Company's services and that she is entitled for reinstatement and payment of full back wages from February, 2000. She had submitted an application for voluntary retirement on health grounds in favour of her son, vide letter dated 29-1-2000. Subsequently, she was referred to Medical Board and she was declared unfit for further services under Voluntary Retirement Scheme. Her name was removed from the rolls of the Company from 2-2-2000 and terminal benefits were settled by the Respondent. Her application for dependent employment to her son is not maintainable as her husband was also declared medically unfit under Voluntary Retirement Scheme in favour of her son Sri Ravinder who was appointed as Badli Worker in 1993. As one of the dependents was already provided, dependent employment under Volunary Retirement Scheme, Sri Shoban Babu, S/o Smt. Krishna bai, Ex. Sweeper (Night Soil) Health Department, Bellampalli was not eligible for employment and she was informed accordingly vide letter bearing No.HDB/25/37/01/188 dated 12-6-2001.

5. It is well settled proposition of law by the Apex Court in several Judgements as well as the Hon'ble High Court of Andhra Pradesh that dependent employment cannot be claimed as a matter of right. As such the claim made by the Petitioner is not maintainable.

6. The Petitioner had applied under Voluntary Retirement Scheme and she was examined by Medical Board on 1-2-2000 and was declared unfit for further services under the said scheme. Her husband Sri Sisupal Ram had also opted for Voluntary Retirement Scheme and declared medically unfit under the Voluntary Retirement Scheme and employment was provided to his son Mr. Ravinder, in 1993. The Petitioner has deliberately concealed the above fact in her application for Voluntary Retirement for employment of her son Mr. Shoban Babu. It was detected at the time of interview for dependent employment to Mr. Shoban Babu that one of the dependents of the Petitioner was already employed in the company under the Voluntary Retirement Scheme. In her declaration annexed with her application she has given in writing that none of her family member was employed in the company under the Voluntary Retirement Scheme and she appended her thumb impression in support of that declaration. The same was declared by the candidate Mr. Shoban Babu. As one of the dependents in the family was already provided with employment under the Voluntary Retirement Scheme Mr. Shoban Babu was not eligible for employment and she was informed accordingly and her terminal benefits were also settled. Her elder son Mr. Ravinder was not supporting her family living at Kothagudem with his family is not the concern of the Respondent. Her contention that she was retired prior to her normal date of superannuation is misleading. The Petitioner is her application for employment under Voluntary Retirement Scheme has categorically declared in writing that none of her family member was employed in the company under the provision of Voluntary Retirement Scheme. Hence, it is prayed that the petition may be dismissed.

7. The Petitioner Smt. Krishna Bai deposed as WW1 and deposed the facts as mentioned in the claim petition. She marked the following documents. Ex. W1 is the office copy of legal notice through her Advocate dated 15-11-2001. Postal acknowledgement of General Manager is Ex.W2. Ex. W3 is another acknowledgment of medical superintendent. Ex.W4 is the reply from Respondent to Ex. W1.

8. In the cross examination she deposed that she gave photos and signed on Ex.M1 and Ex.M2 but she was made to sign by telling her that her son Mr. Shoban babu will be appointed. It is not correct to suggest that she gave false declaration that none of her sons are working. Her sons Mr. Suresh and Mr. Ravinder gave an application dated 7-4-2000 that they have no objection if their brother Mr. Shoban babu got appointed.

9. Sri T. Chandra Mouli, Senior Personal Officer, deposed as MW1 and he deposed the facts mentioned in the counter filed by the Respondent. He has been working at Bellampally at various capacities since 1998. He know the facts of the case as per records. Ex. M4 is the circular dated 13-3-1999 with regard to employment under VRS on health grounds. The Petitioner applied for VRS on 29-1-2000 in favour of employment to her son Mr. Shoban Babu. She was examined by Medical Board and found to be suffering from defective vision in both eyes and general debility and declared unfit for further services on 1-2-2000. Her name was removed from rolls. Ex.M6 is the dependents employment applications dated 18-5-2001 and she declared in that none of her family member is employed in the company under the provision and produced two witness thumb impressions in support of it. Later it was found that her husband also opted for VRS, retired and her son. Mr Ravinder was provided with employment in 1993. She deliberately concealed this fact in Ex.M6. Ex.M4 was issued in the light of the Hon'ble Supreme Court Judgement in the case of Umesh Kumar Nagpal Vs. The State of Haryana. LTC initial declaration form is Ex.M7. Ex.M8 is request of Mr. Sisupal Ram, Husband of the Petitioner to provide employment to his son Mr. Ravinder. Ex.M9 is the medical unfit certificate of her husband. Ex.M10 is the letter dated 12-6-2001 issued to the Petitioner clarifying the position of the dependent employment. Ex.M11 is the settlement of the coal mines provident fund. Ex.M12 is the pension claim of the Petitioner. Ex M13 is the gratuity Form-L issued to the Petitioner. Ex.M14 is the settlement of FBLIC accumulation of the Petitioner. She is not entitled to any

relief as prayed for.

10. In the cross examination he deposed that he will not guide the company about labour maters but he is implementing whatever orders superiors ordered him. Ex.M15 dated 1-2-2000 is the declaration that Petitioner is unfit and her son Mr. Shoban Babu found fit for undergound employment. As per Ex.M15 the date of retirement of the Petitioner is 24-2-2000. It is not true to say that as per the provisions of Person's Disability Act, 1985, the Petitioner should have been continued in employment creating a supernumerary post.

11. It is argued by the Learned Counsel for the Petitioner that the Petitioner was removed from services w.e.f. 2-2-2000 that is before 2 years and 26 days ahead of her superannuation retirement schedule on 24-2-2002. The Petitioner as appointed as a scavenger on 15-2-1982. As evident from the Medical Board certificate from the Respondent company dated 1-2-2000. Her normal retirement is 24-2-2002. In the same certificate the Petitioner's son Sri Shoban Babu is found to be fit for underground employment which is correlated by the Health Department certificate issued on 20-11-99 at page 1 of the material papers which reads that even though her date of retirement is 24-2-2002 but the Petitioner will be continued up to 28-2-2002 and will be retired on the last working day of the month as per the company rules. That she applied voluntary retirement scheme and prayed for her son Sri Shoban Babu who was found medically fit. The Respondent did not accepted the Petitioner's plea for appointment of her son in her place in the voluntary retirement scheme of the company since one of her sons by name Sri Ravinder has already been employed in place of her husband Sri Sishupal Ram and the said Ravinder is working at Kothagudem. The Petitioner has pleaded that as Ravinder her elder son after marriage is living at Kothagudem with his wife and not providing financial assistance to the Petitioner. Therefore, she made application for appointment of her son Sri Shoban babu which the Respondent did not accept as per the rules of the Respondent company. She has no grievance against the Respondent company for the aforesaid rejection of her plea for appointing Sri Shoban Babu. The Petitioner suffered a legal injury on the arbitrary, unjust and unlawful action of the Respondent company in removing her name from the company's service rolls with effect from 2-2-2000 on the ground that Petitioner is medically unfit having suffered defect in her vision. No prior notice was given, no opportunity was accorded to her before imposing capital punishment.

12. It is well settled principle of law that the services of an employee cannot come to an end, unless a fair and impartial enquiry is conducted and the employee is afforded a reasonable opportunity to defend his case. He cited three Judgements. One is reported in 2003(2) ALD page 335 wherein the Petitioner was removed from service from medical invalidation without providing alternate job not tenable. He also relied on 2001(3) ALD 166 double Bench of the Hon'ble High Court of A.P. the R.T.C. authorities were directed to consider the case of the employee in the light of the provisions of the Act. He also relied on a newspaper quote noted in 'the Hindu' on 15-2-2003, Hyderabad edition wherein their Lordships held that if an employee acquiring disability was not suitable for the post he was holding he can be shifted to some other post with the same pay scale and service benefits etc. He can be kept at a supernumerary post until a suitable post was available. So he submits that the Petitioner is entitled for the pay for two years and odd days.

13. It is argued by the Learned Counsel for the Respondent that she was not at all forcibly retired. Petitioner had submitted an application for voluntary retirement on health grounds in favour of her son letter dated 29-1-2000. On her application she was referred to medical board and she was declared medically unfit further services. Her name was removed on the rolls of the company on 2-2-2000. Terminal benefits were also settled. Her husband was also declared medically unfit in favour of their son Sri Ravinder who was appointed as badli worker in the year 1993. As already one dependent was provided job another son Sri Shoban Babu could not be settled. That it has been held by the Hon'ble High Court that appointment of compassionate grounds is not a method of recruitment but is a facility to provide that immediate rehabilitation of the family in distress for relieving the dependent family members of the deceased employee destitution. Already one of the dependents was appointed so another cannot be appointed. In her application for voluntary retirement she has given a declaration in writing that none of her sons was employed in the company under the voluntary retirement scheme and in support of her declaration she has appended her thumb impression. The candidate Sri Shoban babu also declared that nobody was employed in the company under the provisions of voluntary retirement scheme. If her elder son Sri Ravinder is not providing any financial assistance that is their look out and not the concern of the company. Hence, he submits that he petition may be dismissed,

14. It may be noted that the Peititioner Smt. Krishna Bai worked for 17 years 10 months and she was to retire on 24-2-2002. She made an application to the Respondent to consider her son's name Sri Shoban Babu for the post. Her son was examined and found fit for the job. She was declared unfit. She was informed that her name was removed as she is unfit. When she approached the Respondent they refused to appoint her son Sri Shoban Babu and when she requested for continuation that also was not considered. As such she gave a notice Ex.W1. That they sent a reply after she filed a case in the Hon'ble Court that her son is not eligible for the job. After the retirement of her husband her elder son Sri Ravinder was given appointment. Now he is with his family at Kothagudem and not providing any

financial assistance to him. She submits that she may be paid her wages till the date of her retirement. Ex. W4 is the reply given after the case is field. In the cross-examination she deposed that she was told that she has only two years two months service left and she wants her son to be employed she must resign. She denied that she herself given an application and nobody told her to apply. That it is true she gave her photos and signed on Ex.M2. That her eldest son Sri Suresh is also working with Singareni Collieries Co. Ltd. and joined three months before she joined. Her second son Sri Ravinder worked for sometime and then resigned.

15. MW1 deposed that the Petitioner applied for voluntary retirement scheme on medical grounds in favour of the employment for her son Sri Shoban Babu. Ex.M5 is the said application. She was referred to medical board who said that she had defective vision in the eye and under disability. Her name was removed on 2-2-2000. She applied for terminal benefits which were paid to her. Ex.M6 is the dependent application. He deposed that she gave in Ex.M6 that none of her family members are employed in the company which is not true. It was found that she was deliberately suppressed the information. It was found that her husband Sri Sishupal Ram opted for medical retirement and their son Sri Ravinder was appointed. As per Ex.M4 both the husband and wife are employees only one dependent will be appointed. Ex.M8 is the request of her husband to give employment to her son Sri Ravinder. Ex.M10 is the letter explaining her the position. Ex.M11 is the settlement of the provident fund, Ex.M12 is the pension claim of the petitioner. Ex.M13 is the gratuity form, Ex.M14 is the settlement of the claims, family benefits cum insurance scheme.

16. It may be seen that a Judge is not only supposed to interpret the law but also try to do social justice. I do not find any documents where she has mentioned that in Ex.M6 nobody else is employed in her family. Naturally she a scavenger illiterate lady applied for voluntary retirement scheme without knowing the law or the rules of the company although it looks as if the entire family was working. Her eldest son was employed before her. Her second son Sri Ravinder was employed when her husband retired. He gave up the job after sometime according to WW1. Now she applied for Sri Shoban Babu her youngest son, thinking that he would get the job she must have applied. I do not find any false declaration on her part only there was intention on her part to suppress the fact and another fact is she has taken all the benefits. Hence, although not legally entitled yet doing the work of ex-sweeper of night soil a lady more than 60 years old I feel that although technically and legally the company may not be due anything and the claim of the Petitioner may not stand the test of rules and law. But as a gesture of goodwill for the old age of the 60 years old lady uneducated doing duty of removing night soil having put in more than 17 years of service it will be not be out of place to invoke sympathy which I hope will not be a misplaced sympathy. Hence, under the circumstances I direct the Respondent company to pay six months wages as per last drawn pay to the Petitioner on or before 1st October, 2003.

Award passed accordingly. Transmit.

Dictated to Kum. K. Phani Gowri, Personal Assistant transcribed by her corrected and pronounced by me in the open Court on this the 29th day of April, 2003.

E. ISMAIL, Presiding Officer

Appendix of evidence

Witnesses examined for the the Petitioner	Witnesses examined for the Respondent
WW1 : Smt. Krishna Bai	MW 1 : Sri T. Chandra Mouli

Documents marked for the Petitioner

Ex.W1 : Copy of legal notice by WW1 to the Respondent dt. 15-11-2001

Ex.W2 : Postal acknowledgement

Ex.W3 : Another postal acknowledgement

Ex.W4 : Lr.No.BPA/PER/85.A/326 dt. 18/25-1-2002

Documents marked for the Respondent

Ex.M1 : Medical board declaration form about WW1 and her son on 29-2-2000

Ex.M2 : Application of WW1 under the V. R. Scheme dt. 29-1-2000

Ex.M3 : Lr.No.AHB/7/VR/403 dt. 1-2-2000

Ex.M4 : Copy of circular No.P(W)5/3732/NCWA/601 dt. 13-3-99

Ex.M5 : Proforma No.1 for V.R. cases dated 29-1-2000

Ex.M6 : Copy of representation of WW1 dt. 18-5-2001

Ex.M7 : Copy of LTC initial declaration form 'A' 29-2-2000

Ex.M8 : Copy of request letter of WW1's husband for V.R.S. dt. 7-7-93

Ex.M9 : Copy of Lr. NO.AHB/7/VR/93/2388 dt. 28-6-1993

Ex.M10 : Copy of Lr. NO. HDB/25/37/01/188 dt. 12-6-2001

Ex.M11 : Copy of Lr. of settlement of coal mines provident fund

Ex.M12 : Copy of Lr.No.BPA/FAD/Pension/3105 dt. 28-8-2000 pension claim of WW1

Ex.M13 : Copy of gratuity form issued to WW1 dt. 11-7-2000

Ex.M14 : Copy of settlement of WW1 for family benefit cum insurance scheme

Ex.M15 : Copy of Lr.NO.AHB/7/VR/403 dt.1-2-2000 medical fitness certificate.

नई दिल्ली, 17 जून, 2003

का. आ. 1936.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार एफ.सी.आई. प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण हैदराबाद (संदर्भ संख्या 192/2001) को प्रकाशित करती है, जो केन्द्रीय सरकार को 16-06-2003 को प्राप्त हुआ था।

[सं. एल-22013/1/2003-आई.आर. (सी-II)]

एन.पी. केशवन, डैस्क अधिकारी

New Delhi, the 17th June, 2003

S.O. 1936.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No.192/2001) of the Central Government Industrial Tribunal-cum-Labour Court Hyderabad as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of FCI and their workman, which was received by the Central Government on 16-06-2003.

[No. L-22013/1/2003-IR(C-II)]

N. P. KESAVAN, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL CUM LABOUR COURT AT HYDERABAD

Present : Shri E. Ismail, B.Sc., L.L.B.,
Presiding Officer

Dated the 16th day of April, 2003

INDUSTRIAL DISPUTE L.C.I.D. No. 192/2001

(Old I.D. No. 65/2000 Transferred from Labour Court-III, Hyderabad)

Between :

Sri A. Shanthaiah,
S/o Sayanna,
R/o 1-8-98/2, T.D. Gutta High School,
Mahabubnagar Town & District. .....Petitioner

AND

1. The Asst. Depot Superintendent,
   Food Corporation of India Godown,
   Jedcherla, Mahabubnagar District.
2. The President,
   FCI Jedcherla Hamali Labour
   Contract Co-op Society Ltd., Jedcherla,
   Mahabubnagar District.
3. The Asst. Manager (Depot)
   Food Corporation of India,
   Mahabubnagar District.
4. The District Manager,
   Food Corporation of India,
   St. No. 3, Tarnaka, Secunderabad-17.
5. The Zonal Manager,
   Food Corporation of India,
   Chennai, Tamilnadu-600006.
6. The Dy. Registrar of Co-op. Societies,
   C/o Divisional Cooperative Office,
   Mahabubnagar Town & District. .....Respondents

Appearances :

For the Petitioner : Sri K. Ravinder Goud, Advocate

For the Respondent : M/s. B.G. Ravindra Reddy, S. Prabhakar Reddy, Srinivasulu & B.V. Chandrasekhar, Advocates.

AWARD

This case I.D. No.65/2000 is transferred from Labour Court-III, Hyderabad in view of the Government of India, Ministry of Labour's order No.H-11026/1/2001-IR (C-II) dated 18.10.2001 and renumbered in this Court as L.C.I.D.No. 192/2001. This is a case taken under Sec.2 A (2) of the I.D. Act, 1947 in view of the judgment of the Hon'ble High Court of Andhra Pradesh reported in W.P. No. 8395 of 1989 dated 3.8.1995 between Sri U. Chinnappa and M/s. Cotton Corporation of India and two others.

2. The brief averments as stated in the claim petition are: That the Petitioner was appointed as clerk in the Food Corporation of India vide proceedings No.S & C/32/4/93/ Cont/dated 17-1-1994 on the file of the Respondent No.5. He worked upto 18-11-99 and his services were orally terminated w.e.f. 19-11-1999 without assigning any notice or reason. Though he was appointed by R 5 he was deputed to R 2 i.e, FCI Jedcherla Hamali Labour Contract Cooperative Society Ltd., Jedcheria, Mahabubnagar District. He was assigned duties in the R 2 society but the salary was paid by the Rl Corporation. He made several representations to R I and R 2 and requested orally for reinstatement into service after termination of his services. He prays for reinstatement.

3. A counter was filed stating that the Petitioner was never engaged or employed by the Food Corporation of India. The Food Corporation of India had given H & T contract to F.C.I. Hamali Labour Contract Co-op Society Ltd., Jadcherla during the period from 1-6-96 to 18-11-1998 at the hired godowns at Jadcherla. The society employed. It is true to say that won persons and got the work done. The Food Corporation of India had nothing to do in the matter. As the Petitioner was never appointed by the Respondent question of his termination does not arise. There is no relationship of employer and employee between the Respondent and the Petitioner. Hence, the petition may be dismissed.

4. Respondent No.2 filed counter stating that R 2 is not aware of the appointment of the Petitioner. R 2 is also not aware his job with Food Corporation of India and his alleged oral termination on 19-11-99. There is no jural relationship between the society and the Petitioner and hence he cannot claim anything from the society for the loss of job. Hence, the petition may be dismissed.

5. Memo filed by the Petitioner and 2nd Respondent and their Counsels that the 2nd Respondent has paid Rs.35,000/- to the Petitioner through cheque bearing No.037245 dated the 16th April, 2003 as terminal benefits and as full and final settlement.

6. Hence, an award is passed in terms of compromise that the Petitioner is entitled for Rs.35,000/- from 2nd Respondent namely, FCI Jedcherla Hamali Labour Contract Co-op Society Ltd., Jedcherla and has no claim against other Respondents i.e., R1, R3 to R5. Transmit.

Dictated to Kum. K. Phani Gowri, Personal Assistant transcribed by her corrected and pronounced by me in the Open Court on this the 16th day of April, 2003.

E. ISMAIL, Presiding Officer

Appendix of evidence

Witnesses examined for the Petitioner	Witnesses examined for the Respondent
NIL	NIL

Documents marked for the Petitioner

NIL

Documents marked for the Respondent

NIL

नई दिल्ली, 17 जून, 2003

का. आ. 1937.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार एफ.सी.आई. प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में औद्योगिक अधिकरण अजमेर (संदर्भ संख्या सी.आई.टी.आर.12/99) को प्रकाशित करती है, जो केन्द्रीय सरकार को 16-06-2003 को प्राप्त हुआ था।

[सं. एल-22012/254/98-आई.आर. (सी-II)]

एन.पी. केशवन, डैस्क अधिकारी

New Delhi, the 17th June, 2003

S.O. 1937.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. C.I.T.R. 12/99) of the Industrial Tribunal Ajmer as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of FCI and their workman, which was received by the Central Government on 16-06-2003.

[No. L-22012/254/98-IR(C-II)]

N. P. KESAVAN, Desk Officer

अनुबन्ध

न्यायालय श्रम एवं औद्योगिक न्यायाधिकरण, अजमेर (राज.)

.....

पीठासीन अधिकारी : अतुल कुमार जैन, आर.एच.जे.एस.

.....

रेफरेंस सीआईटीआर-12/99

.....

रमेश कुमार चावला पुत्र गणेशी लाल चावला निवासी 25/256, पहाड़गंज, अजमेर

...प्रार्थी

बनाम

1. जिला प्रबंधक, भारतीय खाद्य निगम जिला कार्यालय, पटवारी भवन, कचहरी रोड़, अजमेर
2. वरिष्ठ क्षेत्रीय प्रबंधक, भारतीय खाद्य निगम, 4 मैहदू, प्लोट टोंक रोड़, क्षेत्रीय कार्यालय, जयपुर

...अप्रार्थीगण

.....

उपस्थित : श्री एस. के. भार्गव, एडवोकेट, प्रार्थी की ओर से।

श्री एल. के. सोगानी, एडवोकेट, विपक्षी की ओर से।

.....

दिनांक : 31-5-03

अवार्ड

केन्द्र सरकार से धारा 10 औद्योगिक विवाद अधिनियम के तहत प्राप्त रेफरेंस इस प्रकार था कि क्या विपक्षीगण द्वारा 7-12-97 को किया गया प्रार्थी का टर्मिनेशन वैध एवं न्यायोचित है ? यदि नहीं तो प्रार्थी किस अनुतोष को पाने का हकदार है ?

रेफरेंस प्राप्त होने पर प्रार्थी रमेश ने अपना स्टेटमेंट ऑफ क्लेम हमारी न्यायालय में दि. 24-6-99 को प्रस्तुत किया था। विपक्षीगण ने प्रारंभिक एतराजात् के साथ अपना जवाब 14-9-99 को पेश किया है क्लेम के समर्थन में प्रार्थी ने खुद का हलफनामा पेश किया था जिस पर विपक्षी ने उससे जिरह की है। विपक्षीगण की ओर से श्री एम. प्रजापत तथा आर. पी. वाजपेयी के शपथ पत्र पेश होने पर उन के पक्ष की जिरह की है। प्रार्थी पक्ष ने दस्तावेजात् प्रदर्श डब्ल्यू. 1 लगायत डब्ल्यू. 22 प्रदर्शित कराये है तथा विपक्षीगण ने दस्तावेजात् प्रदर्श एम-1 लगायत एम-46 प्रदर्शित कराये है।

दस्तावेज प्रदर्श एम-2 को देखने से पता लगता है कि यह चावला फोटो कॉपियर्स एंड टाईप सेंटर, चांद बावड़ी, अजमेर तथा भारतीय खाद्य निगम अजमेर के मैनेजर के मध्य हुए एग्रीमेंट की अविवादित फोटो कापी है। इसमें रेट कांट्रेक्ट बेसिस पर टाईप वर्क के लिए चावला फोटो कॉपियर्स की निविदा 17-9-96 को विपक्षीगण द्वारा स्वीकार किया जाना प्रतीत होता है। टाईप कार्य के लिए किस प्रकार के काम के लिए क्या भुगतान किया जायगा यह इसमें अंकित है। प्रदर्श एम-3 विपक्षीगण के पत्र दि. 24-1-1998 की अविवादित फोटो कॉपी है इसमें विपक्षीगण ने चावला फोटो कॉपियर्स को रेट कांट्रेक्ट पर टाईप वर्क कराने का एग्रीमेंट टर्मिनेट करने की उक्त संस्थान के प्रिंसिपल को सूचना दी है।

चावला फोटो कॉपियर्स एंड टाईप सेंटर्स चांद बावडी की प्रिंसिपल मुसम्मात सीतादेवी थी जो प्रार्थी रमेश की मां है। विपक्षीगण का कहना है कि रेट कांट्रेक्ट का करार विपक्षीगण ने सीतादेवी की फर्म से किया था तथा सीतादेवी के लड़के प्रार्थी रमेश से उन्होंने कोई करार नहीं किया था। विपक्षीगण का यह भी कहना है कि सीतादेवी अपने किस आदमी से निविदा में वर्णित टाईप कार्य कराती थी यह स्वयं सीतादेवी जानती होगी। विपक्षीगण का कहना है कि प्रार्थी रमेश विपक्षीगण के नियोजन में कभी नहीं रहा। उनका कहना है कि उक्त वजह से न तो उन्होंने कभी रमेश का टर्मिनेशन किया और न ही रमेश कोई छंटनी संबंधी मुआवजा या अन्य अनुतोष विपक्षीगण से प्राप्त करने का हकदार है। विपक्षी के गवाह आर.पी. वाजपेयी ने जिरह कर उत्तर दिया है कि यह गलत है कि रमेश चावला को सीधे ही टाईप कार्य के लिए एफ.सी.आई. की ओर से बतौर नियमित कर्मचारी रखा गया हो और श्रम कानूनों की अवहेलना

करते हुए उसे जुबानी आदेश से हटा दिया गया हो। गवाह आर.पी. वाजपेयी ने अपने शपथ पत्र में पैरा सं. 6 में यह भी स्पष्ट अंकित किया है कि एफ.सी.आई. का जिला प्रबंधक किसी भी व्यक्ति को नियुक्ति देने का अधिकार नहीं रखता है। प्रार्थी पक्ष का कहना है कि प्रार्थी ने 18-9-96 से 6-12-97 तक 446 दिन एवं 15-12-97 से 24-1-98 तक 44 दिन अर्थात् कुल 490 दिन तक नियमित रूप से व्यक्तिगत रूप से विपक्षीगण के कार्यालय में उपस्थित होकर कार्यालय की मशीन पर बैठकर तथा कार्यालय द्वारा जारी स्टेशनरी पर एक नियमित कर्मचारी की भांति कार्य किया था। जवाब में विपक्षीगण का कहना है कि श्रीमति सीता देवी का कोई भी आदमी रेट कांट्रेक्ट के तहत सीता देवी की ओर से टाईप कार्य करने को अधिकृत था और सीता देवी ने प्रार्थी रमेश चावला से उक्त कार्य लिया हो तो इसकी विपक्षीगण को काई जानकारी नहीं है क्योंकि विपक्षीगण का रमेश चावला से कोई सरोकार नहीं था। विपक्षीगण का कहना है कि उनका तो केवल मात्र सीता देवी से रेट कांट्रेक्ट हुआ था और ऐसी सूरत में विपक्षीगण रेट कांट्रेक्ट के तयशुदा शर्तों के मुताबिक कभी भी टर्मिनेट करने के लिए पूर्णत: अधिकृत थे। विपक्षीगण ने मुसम्मात् सीता देवी द्वारा हस्ताक्षरित बहुत सारे भुगतान प्राप्ति के बिलों को प्रदर्शित कराया है किसी भी दस्तावेज में रमेश चावला से सीधे विपक्षीगण का एग्रीमेंट होना रिकार्ड पर नहीं आया है। प्रार्थी रमेश चावला ने खुद के हस्तलिखित बहुत सारे दस्तावेजात् यह तथ्य साबित करने के लिए पेश किये है कि उसने विपक्षीगण के यहां समय-समय पर टाईप कार्य किया था।

उभय पक्ष द्वारा जिन गवाहों के बयान कराये गये है उनका मैनें प्रारंभ से अंत तक अवलोकन किया। उभय पक्ष ने अपनी बहस ..... लिखित सारांश भी पेश किया है उसका मैंने अवलोकन किया .... प्रकरण के कुल हालात् में समूची साक्ष्य के आधार पर यह स्पष्टत: प्रमाणित होता है कि प्रार्थी रमेश चावला कभी भी विपक्षीगण का कर्मचारी नहीं रहा है। प्रार्थी रमेश चावला ने अपनी माता सीता देवी की ओर से विपक्षीगण के यहां टाईप कार्य किया हो तो भी इससे वह विपक्षीगण का कर्मचारी नहीं कहला सकता है। इस संदर्भ में माननीय सर्वोच्य न्यायालय का निर्णय स्टील ऑथार्टी ऑफ इंडिया लिमिटेड/नेशनल यूनियन वाटर फ्रंट वर्कर्स आदि जो ए.आई.आर. 2001 पेज 3527 पर प्रकाशित हुआ है। हमारे निर्धारण को समर्थन देता है। प्रार्थी की विपक्षीगण के किसी भी सक्षम अधिकारी द्वारा कभी भी योग्यता के आधार पर टाईपिस्ट के पद पर चयन/नियुक्ति नहीं की गयी थी। प्रार्थी रमेश चावला इस रेफरेंस में श्रम न्यायालय के माध्यम से विपक्षीगण के यहां बैकडोर एंट्री की अनुमति चाहता है जो अनुमति उसे दिया जाना किसी भी प्रकार से न्यायोचित नहीं कहा जा सकता है। भारतीय खाद्य निगम ने टाईपिस्ट के पद पर नियुक्ति की अपनी एक प्रक्रिया है। नियुक्ति के नियम बने हुए है। उन नियमों की अवहेलना करते हुए प्रार्थी को विपक्षी पर थोपना न्याय की मंशा के खिलाफ होगा। प्रार्थी रमेश चावला विपक्षीगण से नियोजक एवं श्रमिक का संबंध साबित करने में पूरी तरह असफल रहा है अत: यह रेफरेंस इस प्रकार निर्धारित किया जाता है कि प्रार्थी रमेश चावला स्वयं को विपक्षीगण का कर्मचारी/श्रमिक होना साबित नहीं कर सका है और विपक्षी द्वारा 7-12-97 को उसे सेवा से टर्मिनेट करने का प्रश्न ही उत्पन्न नहीं होता है। रमेश कुमार की मां मु.सीता देवी का रेंट कांट्रेक्ट विपक्षीगण ने टर्मिनेट किया भी हो तो इससे रमेश चावला की किसी अधिकार का कोई हनन होना प्रमाणित नहीं हुआ है और प्रार्थी रमेश चावला इस संबंध में विपक्षीगण से कोई अनुतोष प्राप्त करने का हकदार नहीं है।

अतुल कुमार जैन, न्यायाधीश

नई दिल्ली, 17 जून, 2003

का. आ. 1938.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार एस.ई.सी.एल. के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण जबलपुर (संदर्भ संख्या सी.जी.आई.टी./एल.सी./आर./31/93) को प्रकाशित करती है, जो केन्द्रीय सरकार को 16-06-2003 को प्राप्त हुआ था।

[सं. एल-22012/291/92-आई.आर. (सी-II)]
एन.पी. केशवन, डैस्क अधिकारी

New Delhi, the 17th June, 2003

S.O. 1938.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No.CGIT/LC/R/31/93) of the Central Government Industrial Tribunal-cum-Labour Court, Jabalpur as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of SECL and their workman, which was received by the Central Government on 16-06-2003.

[No. L-22012/291/92-IR(C-II)]

N.P. KESAVAN, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, JABALPUR

CASE NO. CGIT/LC/R/31/93

Presiding Officer : Shri R.K. Dubey

Shri Itwar Singh
Through Vice President,
MP Koyla Shramik Sangh (CITU),
Post Bangi Project,
Distt. Bilaspur ... Applicant

versus

The Sub Area Manager,
SECL, Balgi Project,
Post Balgi Project,
Distt. Bilaspur ... Non-applicant

AWARD

Passed on this 11th day of June, 2003

1. The Government of India, Ministry of Labour vide order No. L22012/291/92-IR(C.II) dated 25-1-93 has referred the following dispute for adjudication by this tribunal:

"Whether the action of the management of Sub Area Manager, SECL, Balgi Project, Distt. Bilaspur justified in dismissing form services Shri Itwar Singh S/O Raghuvir singh, General Mazdoor w.e.f. 24-9-89? If not, to what relief the workman concerned is entitled to?"

2. During the pendency of this reference, Management filed compromise or settlement application with workman and official order dated 30-4-98. Another notice was issued to the workman but workman remined absent. Therefore it seems that the workman accepted the settlement and compromise filed by the management. Settlement was signed by both the parties including the workman and officials of the union. Therefore, the compromise filed by the management is accepted and it is ordered that:

a. No wages or payment given to the workman from the date of termination upto the date of reappointment on the principle of "No work No Pay" basis.

b. Period of absence of workman is only counted for the purpose of gratuity in the length of service.

c. For the purpose of pension, employers and employees contribution shall be deducted from the salary of the workman covering the period of absence.

3. Due to the compromise Ist part of the reference has become unnecessary and IInd part of the reference which is related to relief is already decided in the last para. No separate answer is necessary to be given to relation to the question of the Ministry.

4. Copy of the award be sent to the Government of India, Ministry of Labour as per rules.

R. K. DUBEY, Presiding Officer

नई दिल्ली, 17 जून, 2003

का. आ. 1939.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार देना बैंक के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय नं.-1, मुम्बई के पंचाट (संदर्भ संख्या 52/97) को प्रकाशित करती है, जो केन्द्रीय सरकार को 17-06-2003 को प्राप्त हुआ था।

[सं. एल-12012/164/96-आई.आर. (बी-II)]

अजय कुमार, डैस्क अधिकारी

New Delhi, the 17th June, 2003

S.O.1939.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. 52/97) of the Central Government Industrial Tribunal-cum-Labour Court, Mumbai No. 1 as shown in the Annexure in the Industrial Dispute between the management of Dena Bank and their workman, received by the Central Government on 17-06-2003.

[No. L-12012/164/96-IR(B-II)]

AJAY KUMAR, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 1 MUMBAI

Present

Shri Justice S.C. Pandey Presiding Officer

REFERENCE NO. CGIT-52/1997

Parties : Employers in relation to the management of Dena Bank

And

Their Workman

Appearances :

For the Management : Ms. N. Menon, Adv.

For the Workman : Ms. Kunda Samant, Adv.

: Maharashtra

Mumbai, dated the 5th Day of June' 2003

AWARD

1. This is a reference made by the Central Government in exercise of its powers under clause (d) of Sub-section (1) of Section (10) of the Industrial Disputes Act 1947 (The Act for short) read with Sub-section 2-A of section 10. The initial terms of reference were corrected by a corrigendum dated 13-1-1998 issued for correcting the schedule in the initial Adjudication order dated 24-6-1997. The date of discontinuance was to be read as 15-8-1993 and not 18-8-1993. Accordingly corrected terms of reference are being produced.

"Whether the action of the management of Dena Bank in not continuing Mr. Venugopal Narayan Nair in the employment of the Bank w.e.f. 15-8-1993 and in not absorbing him in the regular vacancy of Sepoy is legal and Justified? If not, what relief the said workman is entitled to?"

2. V.N.Nair, (the workman for short) filed his statement of claim that he was employed by the Santacruz (E), Branch of the Dena Bank (the Bank for short) on 23-4-1993 on daily wages of Rs.25/- He was a member of sub-staff and did the job of Sepoy. He used to receive cheques from customers, visited Regional Office to deliver documents, dispatched mail to post offices. He was paid Convenayce allowance for going to Dadar Branch. The workman stated that he was paid by means of vouchers. The workman stated that the aforesaid Branch adopted unfair labour practice requiring him to sign as Sunil on vouchers giving him his wages for the period of 01-7-1993 to 31-7-1993, which he did, being a weak bargaining agent. He stated that from 1-8-1993 to 14-8-1993 the vouchers were issued in the name of 'Sandip' but he signed as V.N.Nair. All in all he worked for 93 days. Thereafter, one Nitin Solanki was appointed in his place. He worked for one year. Thereafter, one Chalpati was appointed. He was working in the Branch at the time of filing of the Statement claim. The workman stated that he made various representations stating the aforesaid facts to authorities mentioned in paragraph (d) and (e) of his claim. Receiving no reply, the workman raised the industrial dispute before Asstt. Labour

Commissioner (C), Mumbai. It was also stated that Union had also espoused his case by referring to his case. It was further alleged that the workman was given the job of Sepoy between 21-9-1994 to 31-10-94 at Manish Nagar Branch, Andheri West and 28-10-1995 to 28-10-1996 in Goregaon (E) branch of Bank at suggestion of the ALC. The workman stated ultimately there was no conciliation between the parties. The workman gave the break up of his work as follows :

April 1993	—	6 days
May 1993	—	25 days
June 1993	—	25 days
July 1993	—	26 days
August 1993	—	11 days

The workman claimed that in block of six months between (April to December) he had worked continuously for more than 90 days. He was, therefore, covered by Section 25(B) of the Act. His services could not be terminated without notice of 14 days or wages for that period. The workman claimed that he was not called for interview for recruitment in subordinate cadre. The workman also claimed that having employed the workman during the pendency of conciliation proceedings his termination of service without following the procedure under Section 33(2)(b) the Act was illegal. It was prayed that this tribunal should grant relief setting aside illegal termination and grant full back wages with direction to absorb the workman in a permanent vacancy.

3. The Bank took the stand that reference was not maintainable as the case of the workman was not espoused by the Union. The dispute could not be referred to for adjudication. The workman did not complete 240 days in a year therefore, Section 25B of the Act was not attracted. It was stated that workman was engaged in the Santacruz Branch intermittently. The Bank was entitled to engage a person for a limited period in terms of para 20.7 of Bipartite Settlement dated 19-10-1966 modified from time to time. In parawise reply the Bank denied that the workman could be treated as an employee of the Bank, that he performed job mentioned by him in his statement of claim and that the vouchers were made in different names. It denied almost all the allegations in Statement Claim except the fact that the workman was employed intermittently by the Bank. It denied that Nitin Solanki or Chalpati was employed by the Bank. It denied committed any unfair labour practice or violated the policy guide lines for not considering the workman for absorption. It was stated that subsequent employment of the workman could not be subject matter of this reference. It was specifically denied that workman was engaged for 93 days as pleaded by him. There was no termination of services of the workman. The Bank specifically denied that vouchers were not prepaid in the name of the workman. All other allegations were denied. It was said that workman was not sponsored by employment exchange and he did not fulfil the eligibility criteria for empanelment of Badli Sepoy. The Bank stated that workman seeking employment by Backdoor.

4. The workman filed rejoinder. He reiterated the Statement of Claim. No new facts were pleaded by him.

5. The workman filed his affidavit on 5-5-1999. He was cross-examined on 22-10-1999. He filed the affidavit Bhaj Ram Bangra. He was cross-examined. Then the case of the workman was closed. The Bank filed the affidavit of Suresh Pal, the Manager of the Bank. He was cross-examined (thoroughly. On 5-9-2002, 24-10-2002 and 27-11-2002. Thereafter the case was heard on 5-5-2003. Both the parties stated they relied on the written arguments.

6. It is not disputed by the Bank that the workman was employed by its Santacruz Branch (East) intermittently between 23-4-1993 to 15-8-1993. He worked as a Sepoy. However, the Bank denied that the workman worked for 93 days continuously. As already stated that the workman had given the break up of his period of employment for 93 days as given in paragraph 2 of this award. In paragraph 4 of his affidavit the workman stated that he was appointed on 23-4-1993. He stated that he had worked for 93 days break till 14-8-93. The version of the workman finds support from his earlier stand in the letter dated 17-9-93 marked as Exhibit W1. This letter was written to Deputy General Manager (Personnel) Dena Bank. A copy of this letter was also sent to Branch Manager. The notice dated 7-4-1994 sent by the workman marked as Exhibit W5 also supports his claim to the effect that workman was claiming regularization in services alleging that he had worked for 93 days. In the application to the Asstt. Labour Commissioner (Central) marked as exhibit W8 shows the same stand was taken by the workman, he had filed his affidavit marked as Exhibit W9 before the ALC showing that he had worked for 93 days. In his cross-examination no question was put to him regarding his break-up. The documents filed by the Bank also lend support to the case of the workman partially. The exhibits M3 to M12 are some of the vouchers filed by the Bank itself. It is true that these vouchers by themselves do not support the version of the workman completely. However, no adverse influence can be drawn against the workman because he was not cross-examined with reference to any particular period between April to June 1993. It is the case of the workman that he was paid in the name Sunil 1-7-1993. He was asked to sign as Sunil. The Bank has produced these vouchers. He was not cross-examined with reference to the relevant vouchers bearing the name of Sunil. The vouchers exhibited as M 13 to M 18 apparently show that payment was received by Sunil. The workman appears to be the person who received the amount under these Vouchers. The version of the workman has not been successfully dislodged by the Bank latter in cross-examination or by leading evidence, as shall be shown in the sequel. These vouchers exhibited M 19 to M 22 support the version of the workman strongly. These vouchers show that the particular branch of the Bank had prepared vouchers in the name of Sandip and payment was made to Venugopal Nair as he had signed the vouchers at the Bank as U.N.Nair. The witness examined by the Bank was Mr. Suresh Pal. He was not the Bank Manager at the relevant time. He had no personal knowledge about actual facts. He was speaking on the basis of record. Therefore, his evidence that Sunil was a different person is not accepted. On the other hand, this witness had to admit that

as per Exhibit M 19 to 22 the payment was made to V. N. Nair but the vouchers were made in the name of Sandeep. The witness stated that he was not in a position to produce the muster roll because it was difficult to find out relevant documents kept in Godown. After long cross-examination the witness admitted

"It is correct to say that the workman had worked for 90 days or more but he could not called for interview because he was not sponsored through the employment exchange. Looking to the way the Bank had dealt with the employee, and its stand from the beginning this tribunal holds that the preponderence of probabilities was that workman worked for 93 days. A corollary of the aforesaid finding is that bank adopted unhealthy practice of paying the workman in name of Sanil in the Month of July 1993. The Bank had utterly failed to prove that Sunil referred in those vouchers was a different person. Similarly, the workman was paid by voucher prepared in the name of Sandeep.

7. The next question that has to be decided is if the action of the Bank was *malafide* in respect of employment and payment of wages of the workman. We have seen that the workman was employed as a Sepoy. The workman has himself stated in his affidavit and examined Bhajram Bangera to corroborate the fact that he was performing the function of collecting cheques. The cross-examination of the corroborating witness does not discredit his statement in his affidavit Shri. Suresh Pai was not present when the workman was working in the Santacruz branch of the Bank. The witness gave several evasive replies in his cross examination by saying "I do not remember". When questioned about the nature of appointment of the workman if it was temporary, casual or permanent. The witness gave an evasive reply. He said that he did not remember that the workman was appointed as a Substitute of Ramchandra Gaurav who had been absent for long time. He admitted that whenever a permanent person went on long leave, a temporary employee was employed in his place. He denied any knowledge about the duties allotted to the workman. Under these circumstances this tribunal comes to the conclusion that evidence of the workman is more reliable and the Bank had tried to suppress the truth. It had lot to hide from the eyes of this tribunal. It appears from the evidence on record that workman was appointed on temporary vacancy. The Bank did not want to pay him full wages. It paid him Rs. 25/- per day by vouchers. Mr. Suresh Pai admitted in cross-examination that the workman was not paid in accordance with any rule, circular or settlement. He admitted that wages of Rs. 25/- per day were not fixed anywhere. From the aforesaid evidence it can be held that the workman was under paid even though the work of a regular employee was taken of him. Further we have also seen that workman was required to sign as Sanil or accept vouchers in the name of Sanil or Sandip. The entire conduct of Bank was geared to one single aim that he should not be permitted to claim any right. It appears that the services were terminated when he began to sign the voucher issued in the name of Sandip in his own name. The action of the Bank appears to be taken with a view to deny the future claim of the workman to absorption as a permanent employee. It is clear from the cross-examination of Suresh Pai.

8. The workman stated in his affidavit that one Nitin Solanki was appointed against the post held by him after the termination of his services. Thereafter one Mr. Chalpati was appointed instead of Nitin Solanki (in paragraph 5 of the affidavit). The affidavit of Suresh Pai does not say that Solanki or Chalpati were not appointed. In cross-examination the witness had to admit that before Conciliation Officer, it was not disputed that Nitin Solanki was appointed. The witness further tried to deny that Chalpati is working with the Bank. However, the denial appears to be evasive. Looking to the entire conduct of Bank, the conclusion inevitable that an attempt was made by the Bank to violate Clause 20.8 of the Bipartite Settlement dated 19-10-1966 as modified from time to time by abruptly discharging the workman lest he claimed right of regularization and permanency. It is no fault of the workman that he did not complete the period of 240 days of continuous service in a calendar year or 120 days within a period of six calendar month. The Bank indulged in unfair legal practice of not employing him despite vacancy.

In the opinion of this tribunal the Bank committed unfair labour practice with a view not implementing the circular dated 14-7-93 EM 25, which provides that a workman who had worked for more than 240 days shall be eligible for consideration for absorption as a regular candidate. Not only the bank did not pay him full wages, but has tried to pay him less in different names, so that the workman may not claim the benefit of continuous service. The workman was discharged from the service not in good faith but in colourable exercise of the employer right. This act of the Bank is covered by Clause 5(b) of the Fifth Schedule prescribing unfair Labour Practice as per Section 2(ra) of the Act. Such act may also be treated as an act of victimization. Because the workman had refused to sign the vouchers as Sandip and claimed that he may be regularized. It is clear that Bank indulged in unfair labour practice covered by Clause 5(b) of the Fifth Schedule. It may also be noted that Section 25 T of the Act prohibits commission of any unfair Labour Practice. Therefore, any action taken up by an employer in violation of Section 25T of the Act will be null and void being contrary to law. This tribunal is entitled to adjudicate upon the industrial dispute covered by Second and Third Schedule of the Act. The Clause 3 of Second Schedule gives full jurisdiction to this tribunal to consider the validity of discharge or dismissal of a workman including reinstatement of or grant of relief to workman, wrongfully dismissed.

10. This tribunal is of the opinion that the point raised by the Bank regarding the maintainability of this reference can now be disposed of. It cannot be disputed that workman is covered by the definition of workman within the meaning of Section 2(s) of the Act. If we read Section 2(k) of the Act along with Section 2A thereof, it would be clear that a dispute or difference between an employer and a workman regarding discharge, dismissal or otherwise termination can be treated an "industrial dispute" even though neither any other workman nor any union is party to that dispute. Section 2A of the Act is an exception and it enables a workman to raise the kind of industrial dispute described therein individually without the help of any other workman or a Union. On the finding recorded herein above the

workman was an employee of the Bank; and therefore, he could pursue the reference validly made to this tribunal by the Central Government.

11. It appears to this tribunal that the workman served as a Sepoy in the Santacruz Branch of the Bank between 23-7-1993 to 15-8-1993 for ninety three days. It appears that he was appointed because one Ramchandra Gaurav had gone on long leave. The Bank, however, did not want to give him status of a temporary workman for the reason it feared that the workman shall claim the right to be absorbed permanently. It tried to avoid to show the employment for number of days the workman was actually employed by preparing subsequent vouchers in the name of Sunil. The workman did so being a weaker party. Subsequently he signed the vouchers as V. N. Nair though they were prepared in the name of Sandeep. The aforesaid fact and the claim made by the workman for regularization after working for ninety days resulted in his oral discharge. This tribunal has drawn an adverse inference against the Bank because of non-production of muster rolls on the specious plea that it was difficult to find out the document. The witness examined by the Bank had to admit that the workman had worked for more than 90 days. It appears that witness in cross-examination stated that workman was not called for interview because he was not sponsored by Employment Exchange. However, no evidence was led to show that all the workmen who were empanelled for interview were actually sponsored by employment. The workman had stated that he was registered with Employment Exchange since 1993. His name could be called from Employment Exchange. However, the intention of the Bank from the very inception was not to give him any right to claim permanent post. Therefore, he was dealt with unfairly. He was not paid his full wages. He was required to sign vouchers in different names. The defence of the Bank appears to be false and an after thought. Therefore, this tribunal directs that he shall be reinstated. As to the question of back wages is concerned, it would be proper to direct that for the period of 93 days, the workman shall be paid full wages of a temporary employee at the usual rate after deducting whatever has already received by him. Thereafter, from 15-8-1993 the workman shall be given 50% of the wages given to a Sepoy till the date of reinstatement. The further question is if the workman should be granted further relief of regularization and absorption. In the opinion of this tribunal he should be. The Bank has treated the workman in a shabby manner. It did not pay him full wages initially with *mala fide* intention. It paid him in different names. Then when it came to question of giving him relief of regularization he was shunted off in heartless manner. Whatever be the motive of the Officers, who dealt with him, this tribunal finds that he was treated as if he was less than human. Looking to the enormity of harm done to the workman, it would be proper directs the Bank to absorb him in the post held by him and regularize him. This direction is being given looking particularly to the time that has expired since the termination of service of the workman. It is, therefore, directed that after reinstatement the workman shall be absorbed permanently as regular Sepoy or its equivalent post.

12. Thus, this reference is disposed of in accordance with the directions given in paragraph 11 above. No costs.

S. C. PANDEY, Presiding Officer

नई दिल्ली, 17 जून, 2003

का. आ. 1940.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार यूनाईटेड बैंक ऑफ इंडिया के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, भुवनेश्वर के पंचाट (संदर्भ संख्या 426/2001) को प्रकाशित करती है, जो केन्द्रीय सरकार को 17-06-2003 को प्राप्त हुआ था।

[सं. एल-12012/129/2001-आई.आर. (बी-II)]

अजय कुमार, डैस्क अधिकारी

New Delhi, the 17th June, 2003

S.O. 1940.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 426/2001) of the Central Government Industrial Tribunal-cum-Labour Court, Bhubaneshwar as shown in the Annexure in the Industrial Dispute between the management of United Bank of India and their workman, received by the Central Government on 17-06-2003.

[No. L-12012/129/2001-IR(B-II)]

AJAY KUMAR, Desk Officer

ANNEXURE

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL - CUM-LABOUR COURT, BHUBANESWAR

PRESENT:

Shri S.K. Dhal, OSJS, (Sr. Branch),
Presiding Officer, C.G.I.T.-cum-Labour Court,
Bhubaneswar.

INDUSTRIAL DISPUTE CASE No. 426/2001

Date of conclusion of hearing—2nd June, 2003

Date of Passing Award—10th June, 2003

BETWEEN:

The Management of the Chief Regional Manager, United Bank of India, Orissa-I, Region-I, Forest Park, Udyan Marg, Bhubaneswar-751007. ...Ist Party-Management

AND

Their Workman
Shri Bichitra Kumar Mallik S/o Sh. Bikal Ch. Mallik,
At. Dhankunia Sahi, PO/Dist.
Dhenkanal, Orissa. ...2nd Party-Workman.

APPEARANCES:

Shri Shri Loknath Samal,
Asstt. Regional Manager
(Personnel). ...For the 1st Party-Management

Shri Bichitra Kumar Mallik. ...For himself—2nd Party-Workman

AWARD

The Government of India in the Ministry of Labour in exercise of powers conferred by Clause (d) of Sub-section (1) and Sub-section 2(A) of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947) have referred the following dispute for adjudication vide their Order No. L-12012/129/2001/IR (B-II), dated 10-10-2001 :

"Whether the action of the Management of United Bank of India, Dhenkanal Branch in terminating the services of Shri Bichitra Kumar Mallik is justified? If not, what relief the workman is entitled to?"

2. The case of the 2nd Party may be stated in brief :—

He was engaged under the 1st Party-Management at Dhenkanal Branch as a sub-staff from January, 1993 and continued till August, 1998 continuously without any break. He was paid Rs. 30/- per day as consolidated amount towards his wages. The payment was credited to the self S.B. Account No. 2653 through credit vochers for the aforesaid period from time to time during the service rendered by him. His engagement under the 1st Party-Management was intimated to the Regional Manager and that would suggest that, their exists relationship of employer and employee between him and the 1st Party-Bank. By virtue of decision arrived between the 1st Party-Management and their workman Union on 14-10-1989 in presence of the Regional Labour Commissioner (Central), New Delhi, Camp at Kolkata 250 outsiders engaged by the Bank at different parts of the country on different occasions were recruited as subordinate staff by the bank but the 2nd Party was terminated from the service of the bank without assigning any reason. So he made several representations but could not get any reply. He raised a dispute, after failure of the conciliation the present reference has been made. The 2nd Party has prayed to direct the 1st Party-Management for posting him as a sub-staff in the bank service.

3. The 1st Party-Management has filed their Written Statement. The1st Party-Management in his Written Statement has admitted the engagement of the 2nd Party but they have taken the stand that, the then Manager of Dhenkanal Branch engaged the 2nd Party on casual basis for specific job of cleaning and dusting of Branch records for which he was compensated for the work performed by him on the days he worked. The job of the 2nd Party was not regular. The opening of the pass book wherein his wages has been credited does not tantamount to regular appointment of the 2nd Party in the bank. As regards settlement the stand of the 1st Party-Management is that the bank decided to invite applications from among the persons who worked as casual basis during the period from 1-7-1981 to 20-12-1988 fulfilling the eligibility criteria required for appointment in the subordinate cadre of the bank for absorption in regular and permanent vacancies as an one time measure but the 2nd Party was never engaged by the bank during the corresponding period to be eligible for appointment under the said scheme. The 2nd Party was disengaged when there was no availability of the work. So, the 1st Party-Management has prayed to answer the reference accordingly.

4. On the above pleading of the parties the following issues have been settled :

ISSUES

1. Whether the action of the Management of United Bank of India, Dhenkanal Branch in terminating the services of Shri Bichitra Kumar Mallik is justified?
2. If not, what relief the workman is entitled to?

5. On behalf of the 2nd Party six witnesses have been examined and some documents have been exhibited as Ext.-1 to Ext.-12. The 1st Party-Management has examined one witness. No document has been exhibited on their behalf.

FINDINGS

Issue No. I

6. The engagement of the 2nd Party by the 1st Party-Management is not disputed. The Witness Nos. 3, 4, 5 and 6 examined on behalf of the 2nd Party has disclosed that, the father of the 2nd Party was a Union leader and they got huge amount under the order of the Tribunal. So many banks including the 1st Party-Management approached him to deposit the amount in their bank and the 1st Party-Bank assured the father of the 2nd Party to give engagement to his son if the deposit is made in their bank. Accordingly, the amount was deposited and the then Manager engaged the 2nd Party. This fact has not been disputed by the 1st Party-Management, but their stand is that this engagement was made on the availability of the work. All the witnesses examined on behalf of the 2nd Party including the 2nd Party himself have admitted that no order of appointment was issued to the 2nd Party against any post lying vacant. The evidence of the witness No. 1 examined on behalf of the 2nd Party is very important. He is an independent witness and is a Government servant. He was asked by the Assistant Labour Commissioner (Central) to enquire into the matter on the application filed by the 2nd Party. He enquired into the matter in presence of both the parties and recorded his findings, which has been exhibited in this case as Ext.-1. He has deposed that, during his enquiry he found that the 2nd Party was engaged as casual labourer during the incumbency of Shri P. K. Nanda, the then Branch Manager. The minutes recorded by the witness No. 1 examined on behalf of the 2nd Party supports the case of the 2nd Party that, the engagement was provided to the 2nd Party by the then Manager on the consideration that, his father had arranged to deposit a gross amount in the said bank. The Ext.-1 further reveals that, the 2nd Party

was disengaged to check the expenditure as well as reduction of bank's business.

7. Admittedly, no order of appointment has been issued by the 1st Party-Management to the 2nd Party appointing him against any vacant post his name was not sponsored by the employment exchange and he has not appeared before any selection process. His engagement was casual because his father made some deposits in the said bank. So, it can not be said that, the 2nd Party has got right for the post even if it is accepted for the argument sake that he has worked for 240 days. As regards settlement referred to by the 2nd Party that would not be applicable to him because his engagement does not cover the period mentioned in the settlement. When the engagement of the 2nd Party was made on the availability of the work his disengagement cannot be treated as retrenchment or termination when there is no availability of the work. The engagement was based on sympathetic ground as the father of the 2nd Party made some deposits in the bank. Taking advantage of this engagement the 2nd Party can not claim to be appointed in the cadre of sub-staff when he has not come through any selection process.

8. Attention of this Tribunal has been invited by the 1st Party-Management to the case of Madhyamik Siksha Parishad, U.P.-versus-Anil Kumar Mishra and Others reported in 1994-II LLJ 977 and in the case of Aswin Kumar and Others-versus-State of Bihar and Others reported in AIR 1997 SC 1628. In Aswin Kumar's case it was observed that, when there is no sufficient posts in existence and the assignment was on ad hoc one it is difficult to accord for the person employed the status of workman on the analogy of the provisions of the Industrial Disputes Act. In other case it was held by the Hon'ble Apex Court that employees whose entry into the service is illegal being in total disregard of recruitment rules or being not on existing vacancy, has no case for regularization. So, according to the 1st Party-Management the 2nd Party was not appointed against any sanctioned post nor he was appointed through a selection process. His engagement being casual he cannot claim for regularization.

9. After hearing of both the parties and on perusal of the evidence on record this Tribunal is of the opinion that, the engagement of the 2nd Party was made on the availability of the work and he was disengaged when there was no work. So, he cannot claim for regularization or reinstatement. In other words the action of the Managegment of United Bank of India, Dhenkanal Branch in terminating the services of Shri Bichitra Kumar Mallik is not unjustified. Hence, this issue is answered accordingly.

ISSUE No. II

10. In view of my findings given in repect of Issue No. 1, the 2nd Party-Workman is not entitled for any relief.

11. Reference is answered accordingly.

Dictated & Corrected by me.

S.K. DHAL, Presiding Officer

BEFORE THE C.G.I.T.-CUM-LABOUR COURT: BHUBANESWAR

I.D. Case No. 426/2001

List of the Witnesses Examined on behalf of the 2nd Party-Workmen.

W.W.No. 1. Shri Dinesh Bhattacharya.

W.W.No. 2. Shri Bichitra Kumar Mallik. (Workman Himself)

W.W.No. 3. Shri Sridhar Kumar Sahoo.

W.W.No. 4. Shri Sanatan Mallik.

W.W.No. 5. Shri Jitendra Kumar Sahoo.

W.W.No. 6. Shri Srikherswar Mallik.

List of the Witnesses Examined on behalf of the 1st Party-Management.

M.W.No. 1. Shri Sudarsan Sahoo.

List of Documents exhibited on behalf of the 2nd Party-Workmen.

Ex. 1. Record of proceeding during enquiry on 29.8.2000

Ex. 2. Sending Shri B.K. Mallik as cash peon on remittance DKL/REN/261/95, dated 8-2-1995.

Ex. 3. Regional Manager (Sambalpur) Correspondence Letter No. 2211/95-96, dated 22-7-1995.

Ex. 4. -do-

Ex. 5. Regional Manager (Sambalpur) Correspondence Letter No. 2454/95-96, dated 22-8-1995.

Ex. 6. -do-

Ex. 7. Sending Bichitra Kumar Mallik to Cuttack Branch of the Bank on 24.3.2000 letter No. DKL/653/2000, dated 24-3-2000.

Ex. 8. Agreement by the Head Office Management and Union of the Bank in presence of the Regional Labour Commissioner (Central), Delhi Camp at Calcutta on 4-10-1989 (3 Pages).

Ex. 9. Evidence of payment of wages to Shri Bichitra Kumar Mallik, dated 1-9-1998.

Ex. 10. Savings Bank Deposit Pass Book - Dhenkanal Branch Account No. 2653.

Ex. 11. No. of days worked.

Ex. 12. Findings of District Labour Officer, Dhenkanal on enquiry of Dhenkanal Branch about engagement of Shri Bichitra Kumar Mallick (3 Pages).

List of Documents exhibited on behalf of the 1st Party-Management.

No documents have been exhibited.

नई दिल्ली, 17 जून, 2003

का. आ. 1941.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार यूनिट ट्रस्ट ऑफ इंडिया के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, कानपुर के पंचाट (संदर्भ संख्या 279/99) को प्रकाशित करती है, जो केन्द्रीय सरकार को 17-6-2003 को प्राप्त हुआ था।

[सं० एल-12012/111/99-आई.आर.(बी-II)]

अजय कुमार, डैस्क अधिकारी

New Delhi, the 17th June, 2003

S. O. 1941.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 279/99) of the Central Government Industrial Tribunal-cum-Labour Court, Kanpur (U.P.) as shown in the Annexure, in the Industrial Dispute between the management of Unit Trust of India and their workmen, which was received by the Central Government on 17-6-2003.

[No. L-12012/111/99-IR(B-II)]

AJAY KUMAR, Desk Officer

ANNEXURE

BEFORE SRI SURESH CHANDRA PRESIDING OFFICER CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, SARVODAYA NAGAR, KANPUR U.P.

Industrial Dispute No. 279 of 99

In the matter of dispute—

Between :

Sri Sanjay Kumar Jain
S/o Sri Umesh Kumar Jain
83-B Vikas Nagar
Near Gurdev Palace
Kanpur.

And

Unit Trust of India
Branch Manager UTI 16/79-E Civil Lines
Opposite Reserve Bank of India, Kanpur.

AWARD

1. Central Government, Ministry of Labour, New Delhi, vide its notification No. L-12012/111/99-IR(B-1) dated 25-8-99, has referred the following dispute for adjudication to this Tribunal—

> "Whether the action of the General Manager Unit Trust of India, New Delhi in terminating the service of Sri Sanjay Kumar Jain w.e.f. 1-7-1989 is legal & justified ? If not to what relief the workman is entitled to ?"

2. The Government of India, however, vide its order dated 11-1-2000 substituted the earlier order of adjudication as follows :—

> "Whether the management of Unit Trust of India over termination of services of Sri Sanjay Kumar Jain w.e.f. 1-7-89 and not considering him for further employment under Section 25H of the I.D. Act while recruiting fresh hands is justified ? If not what relief the concerned workman is entitled ?"

3. The petitioner applicant Sanjay Kumar Jain (hereinafter referred to as workman) filed his statement of claim on 17-1-2000 and rejoinder statement. The Unit Trust of India (hereinafter referred to as UTI in short) contested the claim of the workman and filed their written statement on 9-5-2002 and also filed rejoinder statement.

4. The case of the workman Sri Jain is that the management of UTI are habitual in keeping temporary hands/employees against vacancies of permanent nature with a view to deprive temporary employees the benefit of permanent employment provided under the Industrial Disputes Act, 1947. Management of UTI adopted a systemetic system of appointing temporary hands for the job of permanent nature for short term so that it may not exceed 240 days in order to circumvent the provisions of Section 25F of the Act. The workman was appointed as temporary hand with effect from 2-1-89, on the post of Assistant Knowing Typing (in short AKT) and the workman worked continuously till 30-6-89, when his services were terminated without showing any reason. Though the work which was being taken from the workman continued and did not came to an end as it was of a permanent nature. The termination of the workman was wholly illegal and unjustified as the work which was being taken from him still existed and did not came to an end due to efflux of time for this kind of work. It is further alleged by the workman that after the termination of his services the management of UTI employed several fresh hands for the same job which was being carried out by the workman and that while making fresh appointment the workman was never given any information/intimation regarding fresh appointment and thus no opportunity was given to the workman for reemployment as contemplated under Rule 78 of I.D. (Central) Rules 1957; the management had not followed the mandatory provisions of Section 25H of Industrial Disputes Act, 1947, read together with Rule 78 of the Rules made thereunder. The services of the workman were abruptly terminated without showing any reason w.e.f. 1-7-89. Even the termination letter was given to the workman 10 days after the alleged termination of services of the workman though the post and the work still existed. It is further the case of the workman that no appointment letter was ever issued to the workman containing the terms of the appointment. It is alleged that a number of juniors to the workman were retained in the services of the UTI at the time of termination of services of the workman violating the provisions of Section 25G of the

I.D. Act, 1947 read with Rules 77 of I.D. (Central) Rules 1957. The fresh hands appointed after the termination of the services were also appointed on temporary basis continuously from the year 1989 till 1991 without affording any opportunity of reemployment to the workman as required under Section 25H of the Industrial Disputes Act, 1947 and the relevant Rule 78 made therein. The letter of termination is illegal and bad in law being against mandatory provisions of Sec. 25G and 25H of I.D. Act and Rule 77 and 78 made thereunder and is also in violation of the principles of natural justice. The appointment of the workman on temporary basis against the permanent nature of job amounts to an act of Unfair Labour Practice as mentioned in item no. 5(b)(d) and 10 of V Schedule of the Industrial Disputes Act, 1947. The workman, therefore, prayed for reliefs detailed at the bottom of the claim petition as the workman is starving on account of non employment.

5. The facts as narrated above through the claim petition filed by the workman is not in dispute so far as the period of service and discontinuance of the services of the workman with effect from 1-7-89 is concerned. The management has contested the claim of the workman rigorously on various grounds, inter alia, and also raised several legal objections.

6. It is alleged by the management that the dispute raised by the workman and referred by the Government of India is highly belated having been made after a lapse of over 10 years and is thus incapable of being adjudicated and that the order of reference is bad in law as the applicant has never been terminated from the services of the UTI nor dismissed nor retrenched nor discharged and as such the provisions of Section 2-A of I.D. Act, are not at all attracted and, therefore, question of considering the workman for further employment as required under Section 25H of I.D. Act while recruiting fresh hands does not arise. The foremost contention of the management is that on these legal objections alone the instant order of reference is liable to rejected being bad in law and without jurisdiction.

7. Otherwise also the management of UTI further contested the claim of the workman on the ground that the appointment of the workman was made for a fixed period which came to an end by efflux of time. The temporary appointments were made by the UTI in order to cope with the temporary/seasonal increase of work and or pending appointment of employees on regular basis in accordance with the prescribed procedure adopted by the management. The appointment letter issued to the workman dated 10-1-89 contained averment to the extent that the appointment was being made for a fixed period and will be deemed to have come to an end on the expiry of the aforesaid period. It is not disputed by the management that the appointment was given to the applicant was initially for a period of one month only and was extended from time to time till 30-6-89. The services of the workman came to an end automatically after expiry of said period. It was of contractual in nature on purely temporary basis as is also mentioned in appointment order issued by the management to the workman. Since the temporary appointment of the workman was for a fixed period and the workman never completed a period of one year of continuous service, the provisions of retrenchment are not attracted in the present case through the allegations of workman that the retrenchment is illegal and unjustified and is not tenable at all.

8. The contesting parties filed documentary evidence in their favour respectively and also produced oral testimony of their respective witnesses in support of their respective claim and the reply.

9. The contesting parties were given sufficient opportunities to adduce oral and documentary evidence by my learned predecessor in support of their respective claims. The parties were also allowed to make submissions oral as well as in writing if they chose. The management did not come forward to make any oral submissions instead filed written arguments and also supplementary arguments. The workman made oral submission before the tribunal and also filed written arguments and also counter reply against the supplementary written arguments filed by the management. Both the contesting parties also placed reliance on various case laws in support of their respective claim and counter allegations.

10. Perused the record carefully and also gone through the evidence adduced by the parties as well as the arguments led by them. I have also gone through the case laws filed by the parties and gave a serious considerations to the submissions made by the parties.

11. On the basis of claim statement filed by the workman and reply against thereof filed by the management following points arises for consideration :—

(a) Whether the dispute is highly belated having been made after a lapse of more than 10 years and as such is incapable of adjudication ?

(b) Whether the order of reference is bad in law and without jurisdiction and is therefore liable to be rejected out right as alleged by the management ?

(c) Whether on the facts and circumstances of the present case provisions of Sections 25G & 25H of Industrial Disputes Act are not attracted as alleged by the management?

(d) Whether there is violation of provisions of Sections 25G & 25H of Industrial Disputes Act 1947, coupled with Rules 77 & 78 made thereunder ? If so, its effect ?

12. The management has assailed the present reference on the ground that it has been preferred after lapse of over 10 years period and has thus become stale and no adjudication is possible on account of the dispute having become non-existence. In this connection the facts are not

disputed but it has to be viewed whether the delay has been caused on account of lapse of the worker or not. It is argued by the workman that no delay has been caused on account of workman's action, if any, but the delay was the result of ill advise by the advocate which led the workman to pursue the matter before the Hon'ble High Court instead of making efforts for a reference to the Government of India. It is also not in dispute that the services of the workman were not extended beyond 1-7-89 and that the contention of the workman is having come to know that the management had appointed fresh hands and retained other junior persons to him for the job which was being carried out by the workman without affording any opportunity to the workman for his reemployment. The workman's contention is that on preferring a writ before the Hon'ble High Court it consumed about 8 years period when the writ was finally disposed of by the Hon'ble High Court on 13-10-98 and within a few days of receipt of the copy of the order passed by the Hon'ble High Court the alternate remedy available to the workman was availed before the ALC(C) and finally the reference was made by the Govt. of India, New Delhi, on 25-8-99 and a substituted reference was made by Government of India on 11-1-2000. The contention of the workman is that no delay was caused by the workman in any way and he had all along been pursuing the matter before the courts and authorities.

13. The contrary contention raised by the management is that the workman had full knowledge of the fact that the High Court has no jurisdiction to take cognizance of the matter in hand and has wilfully or wrongly approached the Hon'ble High Court and in the meantime after lapse of several years the dispute if any have become stale and non existent, therefore, the reference in dispute cannot be adjudicated upon and deserves to be rejected out right.

14. In support of their rival contentions in the present dispute parties have relied upon various case laws.

15. The management in support of its contention has relied on the law reported in 1998 Lab IC page 1702 of Allahabad High Court, UPSEB versus Labour Court (1), Kanpur, wherein a delay of 8 years in raising the dispute was held fatal and ground for declining the relief to the workman. It has been held therein that the worker cannot be allowed to take the employer by surprise after such long time and no relief can be granted to such workman even if alleged termination of his service was invalid. The law laid down by the Hon'ble High Court is not applicable on the facts of the present case which is distinguishable with the present case as the workman in the present case has been pursuing the matter from the very beginning without loss of time nor the management has been taken by surprise as the management was given opportunity to contest the writ before the Hon'ble High Court from the very beginning on the basis of caveat application filed by the management. Further the case relied upon by the management relates to the termination of services of an apprentice who were not held to be the workman under the Industrial Disputes Act.

16. Another case law relied on by the management is reported in 1997 LLR Page 349, the Hon'ble High Court of Punjab & Haryana (DB) wherein the Division Bench of the Hon'ble Court has held that no limitation is provided under Industrial Disputes Act but can it be said that it could be raised at any time and **that too without any explanation.** The Hon'ble Court further held that the workman cannot be placed on better footing or at a higher Padestal than a civil servant or the employee of any other organisation. The Hon'ble Court was of the view that the workman is not entitled for any relief as the dispute was raised after expiry of more than 3 years of the termination of services. A serious consideration to the law laid down above was given and it is worth while to mention that the Hon'ble High Court was of the view that no reference, ordinarily be entertained after expiry of three years period unless there is some explanation to that effect. It goes to the root of the controversy that the reference can be entertained and considered even after expiry of ordinary period of limitation of three years if there is some explanation for the delay caused. Thus the law relied on by the management can be viewed in the light of explanation offered by the workman for the delay caused, if any, in raising the present dispute.

17. On behalf of the management reference has also been made to a judgement passed by the Hon'ble Supreme Court in the case of Nedungadi Bank Limited versus K. P. Madhavan Kutty and others reported in 2000(2) SCC 455 wherein the dispute raised after 7½ years was held to be stale and ceased to be exist. The law cited above and relied on by the management is not helpful to the management as it is distinguishable from the facts of present case as the dispute never ceased to exist at the time of order of reference because the workman has all along been pursuing the matter in the writ petition before the Hon'ble High Court and on disposal of the said writ petition the workman immediately raised the dispute in pursuance of the order passed by Hon'ble High Court.

18. The contention of the management is that the workman knowing from the very beginning that the Hon'ble High Court has no jurisdiction to invoke the provisions of Article 226 of the Constitution of India in the present matter and has applied for permission to withdraw the same but later on changed his mind and again on the basis of the writ petition having not been pressed the Hon'ble High Court of Allahabad passed the orders. Thus the time consumed in pursuing the disposal of writ petition cannot be accepted as a ground or valid explanation for the long delay caused in raising the present dispute. In this connection it is desirable to reproduce the relevant order passed in writ petition on 13-10-1998 by the Hon'ble High Court of Allahabad :—

> "The writ petition is dismissed on the ground of alternate remedy. It will be open to the petitioner to

avail alternate remedy as provided under the law."

Certified copy of the order is on record and has been filed by the management and is marked as Ext. M-10. A persual of the above order goes to reveal that the Hon'ble Court allowed the workman to avail alternate remedy available under law. If the writ petition filed in the year 1990 could not be disposed before 13-10-98 the poor workman cannot be held responsible for not pursuing the matter earlier. In this connection it is proved from the record that the reference was pursued soon after the disposal of the writ petition by the Hon'ble High Court even without loosing a weeks time.

19. Workman has further placed reliance on the law laid down by the Hon'ble Supreme Court of India in the case of Ajaib Singh versus Sirhind Cooperative Marketing cum Processing Service Society Limited and another reported in 1999(82) FLR page 137 wherein the Hon'ble Supreme Court while rejecting the objection raised by the management was pleased to hold as under :—

> "It follows therefore, that provisions of Article 137 of the Schedule of Limitation Act, 1963, are not applicable to the proceedings under the Act, and that the relief on the date cannot be denied to workman merely on the ground of delay. The plea of delay if raised by the employer is required to be proved as a matter of fact by showing real prejudice and not as merely hypothetical events, and no reference to the Labour Court can be generally questioned on the ground of delay alone."

Thus the objection raised by the management that the present reference has become incapable of consideration or adjudication on account of lapse of time has no force and cannot be accepted. Similar view was taken by Hon'ble Supreme Court in another case reported in 2001(90) FLR 754 Sapan Kumar Pandit versus UPSEB and others wherein the Hon'ble Court while allowing the appeal and quashing the order passed by a Single Bench of the Hon'ble High Court, the Hon'ble Supreme Court prescribed the real test to decide the industrial dispute in existence on the date of reference for adjudication. The Hon'ble Supreme Court had held as under :—

> "Hence, the real test is, was industrial dispute in existence on the date of reference for adjudication; if answer is negative then the government before the reference would have extinguished. On other hand if the answer is in positive terms the appropriate could have exercise the powers what ever *the range of period which lapsed since the inception of dispute.*"

20. That apart the Hon'ble Court has further held that the decision of the government in this regard cannot be listed on the possibility of what another party would think whether any dispute existed or not. The section indicates that if in the opinion of the Government dispute existed then the Government could make the reference. The only authority which can form such an opinion is the Govt. If the government decides to make reference there is presumption that in opinion of the Government there existed such a dispute.

The Hon'ble Supreme Court in the very judgement held in para (4) as follows—

> "There are cases in which lapse of time had caused failing or even eclipse of dispute. If any body had kept the dispute alive during the long interval it is reasonably possible to conclude in a particular case that the dispute ceased to exist after some time but when the dispute remained alive though not galvanised by the workman or running on account of their justified reasons it does not cause the dispute wane into total eclipse. In this case when the government had chosen to refer the dispute for adjudication, the High Court should not have quashed the reference merely on the ground of delay."

21. The Hon'ble Supreme Court on the aforesaid reasons condoned the delay of 15 years. Thus it cannot be said that the reference order is bad in law on account of fact that the dispute ceased to exist as in the present case the workman has all along pursuing the matter.

22. The law cited above and relied upon by the workman are fully applicable on the facts of the present case and it can sagely be held that the claim of the workman cannot be said to be belated or rejected on the ground of delay. The objection raised by the management are not tenable at all in view of reasons and legal validity as shown above.

23. The next point for consideration is that the order of reference is bad in law in as much as the applicant/ workman has neither been terminated nor dismissed nor discharged from service and as such provisions of Section 2-A of Industrial Disputes Act, 1947, at all attracted in the present case.

24. Before entering into the controversy as raised by the management it is worth while to reproduce the provisions of Section 2A of the Industrial Disputes Act, 1947, which reads as under :—

> "Where any employer discharges, dismisses, retrenches or otherwise terminates the services of an individual workman, any dispute or difference between that workman and his employer connected with or arising out of, such discharge, dismissal, retrenchment or termination shall be deemed to be an industrial dispute not with standing that no other workman nor any union of workmen is a party to the dispute."

The above provisions postulates that where any employer discharges dismissing retrenches or otherwise terminates

the services of an individual workman any dispute so arise shall be deemed to be an industrial dispute. Similar objection raised before the Hon'ble High Court at Allahabad in a case reported in 1997(76) FLR page 498 Moh. Mobin versus State of U.P. and others. The applicability of the provisions of Section 2-A were considered and the Hon'ble Court held as under —

> Section 2-A has used the expression "where any employer discharges, dismisses, retrenches and otherwise terminates the service"... and "any dispute or difference..... arising out of such discharge, dismissal, retrenchment or termination" to define deemed Industrial Dispute. Industrial Dispute is a dispute relating to employment or non employment. The word "otherwise terminates" does not confine only to termination. It includes deemed termination. The definition is not exhaustive. The expression used makes it inclusive. It has to be interpreted having regard to the definition of Industrial Dispute which includes non-employment Refusal of employment is non employment. Non-employment due to refusal of employment is otherwise termination of service.

25. The Hon'ble Supreme Court in a case of workman employed by Hindustan Lever Limited versus Hindustan Lever Limited reported in 1985 SCC (L & S) page 6, the Three Judges Bench of Hon'ble Supreme Court was pleased to hold as under and also expressed its annoyance for raising the frivolous objection at the instance of employer :—

> "The dispute which can be referred for adjudication under Section 10(1) of the I.D. Act, of necessity has to be an industrial dispute which would clothe the appropriate government with power to make reference, and the Industrial Tribunal to adjudicate it. The practice of raising frivolous preliminary objections at the instance of the employer, questioning the dispute under reference as being not an industrial dispute is motivated to delay and defeat by exhausting the workmen the outcome of the dispute and therefore, should not be allowed."

26. The Hon'ble Supreme Court not only endorsed the powers of the Government or authority making reference under the powers of the Industrial Disputes Act but also deprecated the practice of raising frivolous preliminary objections at the instance of the employer. Considering the definition of Industrial Dispute as defined under the provisions of Section 2-A of the Industrial Disputes Act, 1947, and also the law placed and relied on by the workman it is clear that the workman's discharge or disengagement or termination amounts to retrenchment and on this ground the provisions of Section 2-A of the Act are fully applicable in the present case. This fact also find support from the admission made by the management by means of an affidavit filed on their behalf in writ petition no. 6492 of 90 between the workman Sanjai Kumar Jain and Unit Trust of India wherein the management has clearly mentioned and submitted that the matters raised in the present petition if at all are nothing but an industrial dispute within the meaning of Section 2(K) or 2-A of the Industrial Disputes Act. If an industrial dispute relates to the enforcement of a right under the Act then the only remedy available to the petitioner is to get an adjudication under the Act. Thus the management of UTI cannot be permitted to retract from its earlier admission that the dispute is an industrial dispute within the meaning of Section 2-A of the Act and the contention of raising an objection to non applicability of provisions of Section 2-A of the Act is self contradictory and therefore the contention of the management has got no merits that the present dispute is not covered under definition of industrial dispute and that it cannot be inferred that provisions of Section 2-A of Industrial Disputes Act is not attracted. It is thus held that the present dispute is an industrial dispute as envisaged within the provisions of Section 2-A of Industrial Disputes Act, 1947.

27. Next objection raised by the management are in respect of applicability of the provisions of Section 25G & 25H of the Industrial Disputes Act read with Rules 77 & 78 made thereunder. These two points raised can be easily considered and disposed of together and also considering the provisions of Section 2(oo)(bb) of the Act raised by the management.

28. It has been urged on behalf of the management that the workman was appointed for a fixed period which came to an end by efflux of time. Such temporary appointments for fixed duration does not grant any legal right in favour of the workman. It is not in dispute that the workman was appointed as AKT. The contention of the management is that the appointment of the workman was purely temporary and on adhoc basis vide appointment order dated 10-1-89. It is further the case of the management that the services of the workman were extended from time to time and was never extended beyond 30-6-89. It has been contended on behalf of the management that the said appointment letter contained condition of services. The services of the workman came to an end automatically. It has further been reiterated by the management that the appointment of the workman was purely on temporary basis; was of contractual nature as contained in the appointment order and office orders of appointments issued to the workman. The temporary services of the workman was not extended beyond the contractual period and thus has come to on end in terms of thereof. It is further argued that the appointments as well as extension of service of workman as contained in office orders stipulated clearly that the appointment is for a fixed period and is liable to come to an end on expiry of the period mentioned in the said order. It is further argued that since the workman has not completed one year of continuous service the provisions of retrenchment are not applicable in the present case as contained in provisions of Section 25F of Industrial

Disputes Act. Thus disengagement of the workman would not amount to retrenchment, therefore, the legality or justification of the alleged retrenchment cannot be looked into. It is further argued that the Government of India in two similar cases relating to Pavan Kumar Gupta and Sri Sanjay Srivastava have refused to make reference for adjudication to the Tribunal on the ground that the employees had not completed 240 days of continuous service. The action of the Government of India in not making reference for adjudication fully support the contention of the management. This contention of the management is wholly untenable and not acceptable. The dispensation of service of any workman, as has already been held earlier amounts to retrenchment. The expression 'retrenchment' include every termination of the service of a workman by the act of employer irrespective of the nature or the reason for such termination. This contention of the workman finds support by the law laid down by Kerala High Court in the case of Prabhakaran and others versus G. M. KSRTC and others reported in 1981 (42) FLR 222.

29. Similar view has been taken by the Hon'ble High Court of Allahabad in case of Shailendra Nath Shukla and others *versus* Vice Chancellor, Allahabad University and others reported in 1987 Lab IC page 1607, wherein the Hon'ble Court has held that if the contractual employment is resorted to as mechanism to frustrate the claim of an employee to become regular or permanent against a job which continues or nature of duties is such that the colour of contractual engagement is given, the agreement shall have to be tested on the evil of fairness and bonafide. An agreement for twisting or to perpetuate the policy of hire and fire cannot be deemed to be included in sub clause (bb) of Section 2(oo) of the Act because if it is left to employer not to renew contract whenever he likes irrespective of any circumstances then the protection afforded to a workman by treating every termination of service as retrenchment shall be rendered negatory. It has to be confined only to those limited cases where either the work or the post ceases to exist or job comes to an end or the agreement for specific period was bonafide. It cannot be extended to such cases where the job continues and employee's work is also satisfactory but periodical renewals are made to avoid regular status to the employee.

30. The fact of the above case referred and relied on by the workman are fully applicable to the facts of the present case in hand. It is not disputed at all by the management that services of the workman was extended from time to time till 30-6-89. It is also uncontroverted by the management which amounts to an admitted fact by the management that the management retained the services of other workmen junior to the present workman as is evident from the fact that the management in reply to the claim petition as well as the rejoinder filed by the workman has no where controverted this fact at all. In the light of uncontroverted facts given by the workman and the law cited on behalf of the workman goes to establish that the termination of the services of the workman amounts to retrenchment. Workman's witnesses have clearly stated in their statement on oath that after the termination of the services of the workman a number of workmen and persons were either retained or appointed for the same job by the management which was being carried out by the workman. This fact has not been denied by any of the management witness. The documentary evidence filed by the parties also goes to establish that a number of persons were retained by the management to carry out the job of AKT. The workman in his statement has also proved the fact that he worked with the management to the entire satisfaction of the management and during the periods of renewal of his services no adverse remark was ever given by the management. From the evidence on record it is also proved that on termination of the services of the workman after completion of six months another fresh hands were recruited for the same job and this male practice continued up to the year 1991 as has been stated by the M.W.1. This necessary given an inference that the post of AKT and the nature of job was of permanent nature and did not ceased to exist when the services of the workman were terminated by the management. The termination of the services of the workman is, therefore, proved from the evidence on record and amounts to an retrenchment and therefore, the provision of Section 25F has no bearing to the facts of the present case in as much as it does not adversely affect the case of the workman that he has not completed one years continuous service within the meaning of Section 25B of the Act prior to his termination.

31. In view of above findings that the termination of the workman constitute retrenchment, the management cannot be allowed to raise objection that the provisions of Section 25G and 25H are not applicable at all. Needless to reiterate that the management retained a number of persons admittedly junior to the workman and has thus violated the provisions of Section 25G read with rule 77 of I.D. Central Rules.

32. A bare reading of the provisions of Section 25G of the Act it is evident that the rule is that the employer shall retrench the workman who came last, first, popularly known as LAST COME FIRST GO. This rule however is not an inflexible rule and extra ordinary situation may justify variation of the above rule. This argument of the workman find support from the law laid down by the Hon'ble Supreme Court in the case reported in 1980 SCC(L & S) 427 workmen of Sudder Workshop of Jorehaut Tea Co. Limited *versus* Management of Jorehaut Tea Company. It may be noted that it is not the case of the management that the juniors were retained on account of their having special qualification needed by employer. It is further held by the Hon'ble Supreme Court that in case the employer retains a junior there must be valid reason for this deviation and that the burden is on the management to substantiate the

reasons for departure from the rule. Even if the contention of the management is accepted for the sake of arguments that there was no malafide on the part of the management for variation from the above rule it cannot be held to be absolution from the rule unless some valid and justifiable grounds are proved by the management to be exonerated from the principle of LAST COME FIRST GO. The evidence on record no where suggest, what to say proof that the management retained other persons junior to the workman for any reason what so ever. Thus the submissions made by the workman has sufficient weight and is acceptable that the management had violated the rule without least carring for any legal consequences.

33. In another case the applicability of provisions of Section 25G also came for consideration before the Hon'ble Bombay High Court in a case reported in 1984 Lab IC 445 Navbharat Hindu Daily Nagpur *versus* Nav Bharat Shramik Sangh and another. In this case the Hon'ble court considered the provisions as laid down in Section 25F of I.D. Act and 25G of the Act and held that these provisions are independent to each other but either of them have to be complied with at the time of effective retrenchment. The Hon'ble High Court Bombay further held that the provisions of Section 25G caste an obligation to follow the procedure prescribed therein and failure to comply the provisions either under Section 25F or 25G, the only conclusion which can be drawn is that the action of the management in retrenching in the services of the workman is nothing but to hold retrenchment as invalid and illegal. In the absence of any denial by the management that after the termination of the services of the workman a number of other persons were retained in service which were junior to the workman, it has to be held that the management has violated will fully and knowingly violated the rule of LAST COME FIRST GO which also make a reflection of equality clause as enshrined in the Constitution of India.

34. In a case of Baljit Singh *versus* State of Haryana and others 1995 FLR page 504 the court after examining the applicability of the provisions of Section 25G even in a case where the employee has not completed 240 days service it has been clearly held by the Hon'ble Court that the employer is required to comply with the provisions of Section 25G of the Act even though the employee may not have completed 240 days as to claim the benefit of provisions of Section 25F.

35. The Hon'ble High Court of Gujarat upheld a reinstatement order passed by labour court in the case where three workmen were discharged while other workmen junior to them were retained and new recruitment were also made and the order passed by the labour court was held to be justified and declined to interfere in the said order. (See Rajkot Municipal Corporation *versus* Siddique Akbar and others 1996 Lab IC 1685).

36. Similarly the Hon'ble High Court of M.P. also refused to interfere in the order passed by labour court in exercise of power under article 226 of Constitution of India wherein the persons junior to the workman were retained in service while the services of the workman had been discontinued as reported in 2000(87) FLR 619 secretary Krishi Upaj Mandi Samiti Damoh *versus* P.O. Labour Court Sagar and others.

37. In view of the discussions made above and in the absence of any justification shown by the management for retrenchment of the workman from service the arguments of the management are wholly untenable that the provisions of Section 25G of the Act are not attracted on the facts of the present case or that the provisions of Section 25G of the Act have not been violated at all. The management has also failed to justify their contention in this regard and has failed to support the contention by any authority or law laid down by the Hon'ble Courts.

38. From the above it is apparent that the management while terminating the services of the workman has clearly violated the provisions of Section 25G of the Act and Rule 77 made thereunder. It is therefore, also held that the provisions of Section 2(oo)(bb) of the Act are not applicable to the facts and circumstances of the present case because the work for which the workman was appointed did not cease to exist and is still in existence.

39. The latest law laid down by Hon'ble High Court Bombay reported in 2003 (96) FLR 211 Saudi Arabean Airlines *versus* Ashok Mor Govind Panchal and another has also held as under :—

> "Of course the intention of the parliament enacting sub-clause (bb) to sub Clause (oo) of Section 2 of the Act exclude certain category of workers from the definition of retrenchment but there is nothing in sub clause (bb) which enables the unscrupulous employer to terminate the services of the workman on the ground of non renewal of their contract even when the work for which they were employed subsist the exception as contained in sub clause will have to be strictly construed and clause (bb) should be made applicable only to such cases where the work cases with the employer or the post itself ceases to exist."

40. Clause (bb) cannot be made applicable to the cases where employer resort to contractual employment as a device to simply take it out of clause (oo) of Section 2 of the Act not with standing the fact that the work for which the workman was employed continuous or the nature of duties which the workman was performing are still in existence.

41. The Hon'ble High Court of P & H has held that only the bonafide exercise of right by an employer to terminate the services in terms of contract of employment or for non renewal of the contract will be covered by clause (bb) if it has been fully proved that the workman was employed for a specific work and the job which was being performed by the employee is no more require. If the

court finds that the exercise of rights by employer is not bonafide or the employer has adopted a methodology of fixed term employment as conduit or mechanism to frustrate the rights of a workman, the termination of service will not be covered by exception contained in clause (bb) instead action of the employer will have to be treated as an act of UNFAIR LABOUR PRACTICE as specified in the V Schedule of the Act.

41A. It has been held from time to time by the Hon'ble Court that only bonafide exercise of powers by employer in cases where the work is of specific nature or where the temporary employee is replaced by another employee, the action of the employer will be up held as laid down in Ram Niwas versus P.O. Labour Court Faridabad and others reported in 2001 (91) FLR 1037 (DB).

42. A serious following of the law cited above it is held that the action of the management in terminating the service of the workman is nothing but a colourable exercise of powers and they adopted a methodology of fixed term appointment in the garb of provisions of Section 2(oo) (bb) of the Act only to frustrate the right of the workman. The management has thus abused and misused powers specified under Section 2 (oo) (bb) of the Act.

43. In the circumstances and on the basis of evidence on record it is held that the termination of the services of the workman amounts to retrenchment being in violation of provisions of Section 25G of I.D. Act, 1947.

44. In this regard the case laws cited by the workman reported in 1999 (81)FLR page 746 Samishtha Dubey versus City Board Etawah and others and case reported in 2000(87) FLR page 532, the Hon'ble High Court of Allahabad UPFC & Another versus Neelam Sharma and others are also directly applicable on the facts of the present case in favour of the workman. In the case cited before the Hon'ble Courts mainly two controversies were placed consideration firstly whether the services of the workman is covered under the definition of 'workman' and whether their Employers are 'Industries' as defined under the Act and that the provisions of Section 2(oo)(bb) are involved. These two controversies are however not the subject matter of the present dispute in hand hence these controversies need not be reiterated or considered in the present case as has rightly not been agitated by the management. But in the above cases the applicability of provisions of Section 2(oo)(bb) of the Act was also considered and it has been held that termination of services of workmen for any reason otherwise than by way of punishment is retrenchment unless covered by the exception as laid down under the provisions of Section 2(bb) (oo) of the Act. It has further been held that the termination of services or non renewal of employment comes within the meaning of retrenchment. In the present case as has already been discussed above the management has failed to prove that the case of the workman is covered under the exception clause of Section 2(oo) (bb) of the Act. Thus the obligation is on the management to comply with the provisions of Sections 25G and 25H of the Act coupled with rules 77 & 78 made thereunder and if there is violation of provisions of Section 25G or 25H of the Act the termination becomes bad in law. The Hon'ble High Court of Rajasthan in the case of State versus Harchat reported in 2001(90) FLR page 744 has clearly held that the violation of Section 25G or 25H of the Act amounts the termination as bad and invalid under law. The Apex court has further held that in case of retrenchment, termination is found to be bad the workman becomes entitled for full back wages with continuity of service unless the employer proves that the workman had gainfully been employed some where else.

45. Before coming to the conclusion as to what relief the workman is entitled for or which of the reliefs be granted it is worth while to consider the last controversy in respect of violation of provisions of Section 25H of the Act.

46. The contention of the workman in this regard is that after his retrenchment the employer management neither given him any opportunity for re-employment though a number of persons were appointed for the same job which had been carried by the workman. This fact has also been proved by the oral testimony of the workman on oath that he was never informed or called for re-employment by the management and that he also did not make any application for his reemployment with the management. On the contrary the management has tried to mislead the Tribunal by adopting a unique tactics that the workman was called for the test but he absented himself and that the workman has now come before the tribunal to seek the back door entry. The management has relied on the document marked as Ext. M-17 which is a list of candidates called for written test for the post of AKT on 3-12-88 at Kanpur wherein at serial No. 27 the name of Sri Sanjay Sain appears and marked absent. On the strength of this list submitted by the management it is contended on behalf of the management that Sri Sanjay Kumar Jain concerned workman failed to appear for written test, therefore, no question for his reemployment arises. The above contention is wholly unsustainable and not acceptable on the ground that appointment of the present workman Sri Sanjay Kumar Jain was made from 2-1-89 which continued upto 30-6-89. Therefore, the list prepared much before the alleged appointment cannot be accepted as a list which debars the reemployment to present workman Sanjay Kumar Jain because had he not appeared for the written test as claimed by the workman there was no question of appointment of the workman from 2-1-89 for the post of AKT.

47. Secondly the provisions of section 25H of the Act makes it mandatory obligation on the management to inform by registered post as required under Rule 78 made thereunder *i.e.* to inform the workman for his reemployment before new appointment is made. In this case this list is, therefore, of no help to the management that they called the workman for their reemployment. The name appears in

the list is different from workman. The management has also failed to prove the mode of service of information by registered post to the workman for reemployment as required in compliance of provisions of Rule 78 of I.D. (Central) Rules.

48. Another circumstance which nullify the contention of the management is that the management has categorically denied having moved any application of the workman available with them. Thus the management cannot be allowed to blow hot and cold simultaneously on the one hand that the workman never approached for reemployment or absented himself when called upon by the management to appear for test and also that the workman was never approached for his reemployment.

49. The mandatory compliance of provisions of Section 25H have therefore been grossly violated by the management.

50. The Hon'ble High Court of Rajasthan in a case reported in 2002(93) FLR 79 Anabali Kshetriya Gramin Bank *versus* P.O. CGIT Jaipur and other while following the case law laid down by the Apex court in the case of Central Bank of India, reported in 1996 (74) FLR page 2063 and other rulings laid down by various court gave an opinion that the Hon'ble Supreme Court has finally settled the matter in the above noted case that even the workman who has not completed 240 days in a calendar year do fall under the beneficial provisions of Section 25H read with Rule 77 & 78 made thereunder.

51. A serious considerations to the facts and circumstances and evidence given by the parties lead to irresistable conclusion that the provisions of Section 25H read with Rule 77 & 78 of the Act are clearly applicable in the present case.

52. The Rule 78 prescribed the mode of reemployment of retrenched workman and requirement of this rule is to issue notice in the manner or prescribed to every one to all the retrenched workmen eligible to be considered for reemployment. The law laid down by Hon'ble Apex Court was also followed by the Hon'ble Kerala High Court in case of R Unnikrishna Pillai *versus* P. O. Labour Court Ernakulam and other and it was held that provisions of section 25H of the Act is capable of application to all retrenched workmen.

53. For the reasons and discussions made above it is held that the provisions of Section 25G & 25H of the Act read with Rules 77 & 78 made thereunder have not been followed by the management and that the management has violated these provisions with a view to circumventing the protection afforded to the workman under benevolent legislature enacted from time to time. The Hon'ble Supreme Court in the case of similar nature has already laid down that India is a developing country. It has a vast surplus labour market large scale unemployed offers a matching opportunity to the employer to exploit the needy. Under such market condition the employer can dictate his terms of employment taking advantage of bargaining power in the other. The unorganised job seekers is left with no option but to accept employment on take it or leave it. Terms offered by the employer is such terms of employment offer with no job security and the employee is left to the mercy of the employer. Employer if betrayed an increasing tendency to employee temporary hands even on regular and permanent jobs with a view to circumventing the protection afforded to the working clause. On such devise adopted is to get work done through contract labour.

54. The facts of the case in hand reveal that the contention of the management is that the workman was appointed for fixed term period and nature of job was of contractual nature or that the workman was appointed on *adhoc* basis and that the workman is bound by the stipulation contained in the appointment letter dated 10-1-89 issued by the management to the workman. In this connection it is worthwhile to mention that alleged appointment letter was issued after ten days of the joining of the workman on 2-1-89. By no stretch of imagination it cannot be accepted that the workman would have consented and understood fullywell the stipulation contained in the alleged appointment order which is apperantly issued much after the actual date of joining. From the law cited above the contention of the workman also finds strength that the mode adopted by the management for appointment on temporary basis against the work and job of permanent nature which never came to an end. The management had issued the appointment order for appointment containing several stipulations in their favour in the colour full exercise of managerial power with intention to circumventing the protection given to the workman under the Act and the temporary appointment were made by the management with ulterior motives. The management has in vain misused the list containing the names of Sanjay Sain alongwith others alleging to be the name of present workman Sanjay Kumar Jain. This act of the management further strengthens the contention of the workman that the management knowingly and will fully and with ulterior motive has retrenched the services of the workman Sanjay Kumar Jain and offered no opportunity of reemployment to him. The management made several appointments after the termination/retrenchment of the workman for the same job which remain in existence and was of permanent nature.

55. For the reasons above it is held that the termination of the services of the workman Sri Sanjay Kumar Jain with effect from 1-7-89 is illegal, invalid and unjustified. Therefore, he is entitled for his reinstatement on regular basis and is also entitled for all back wages with consequential benefits from the date of his termination of services by the management of Unit Trust of India, Kanpur.

56. The workman shall also be deemed to be entitled for all consequential benefits on the premises as if his

services had never been terminated by the management of Unit Trust of India and shall be entitled for all consequential benefits including graded increments and revision of scale of pay from time to time. The concerned workman will be deemed to be in continuous service. It is further held that the action of the management of UTI over termination of service of Sri Sanjay Kumar Jain w.e.f. 1-7-89 and not considering him for further employment under Section 25H of the Industrial Disputes Act, 1947, while recruiting fresh hands is wholly unjustified and illegal and the workman is entitled for the reliefs mentioned above and as claimed by him against the management of Unit Trust of India, Kanpur.

57. Reference is answered accordingly in favour of the workman and against the management of U.T.I., Kanpur.

SURESH CHANDRA, Presiding Officer

नई दिल्ली, 17 जून, 2003

का. आ. 1942.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार आन्ध्रा बैंक के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय हैदराबाद के पंचाट (संदर्भ संख्या 126/2002) को प्रकाशित करती है, जो केन्द्रीय सरकार को 17-6-2003 को प्राप्त हुआ था।

[सं० एल-12012/269/99-आई.आर.(बी-II)]

अजय कुमार, डैस्क अधिकारी

New Delhi, the 17th June, 2003

S. O. 1942.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 126/2002) of the Cent. Govt. Indus. Tribunal-cum-Labour Court, Hyderabad as shown in the Annexure, in the Industrial Dispute between the management of Andhra Bank and their workmen, which was received by the Central Government on 17-06-2003.

[No. L-12012/269/99-IR(B-II)]

AJAY KUMAR, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT AT HYDERABAD

PRESENT : Shri E. Ismail, B.Sc., LL.B., Presiding Officer

Dated the 29th April, 2003

INDUSTRIAL DISPUTE NO. 126/2002

(Old I.D. No. 9/2000 transferred from Industrial Tribunal-I, Hyderabad)

BETWEEN:

Smt. P. Ramani Kumari,
H. No. 2-53/2, Chaitanyapuri,
Hyderabad-500 660. ...Petitioner

AND

The Dy. General Manager,
Andhra Bank, Head Office,
5-9-11, Secretariat Road,
Saifabad, Hyderabad. ...Respondent

APPEARANCES:

For the Petitioner : M/s. G. Vidya Sagar, K. Udaya Sree, P. Sudheer Rao, E. Urmila & B. Shiv Kumar, Advocates.

For the Respondent : M/s. S. Udayachala Rao, S. Lavanya Lakshmi, S. Vikramaditya Babu & S. Mujib Kumar, Advocates.

AWARD

The Government of India, Ministry of Labour by its order No. L-12012/269/99-IR(B.II) dated 2-2-2000 referred the following dispute under Section 10(1)(d) of the I.D. Act, 1947 for adjudication to the Industrial Tribunal, Hyderabad between the management of Andhra Bank and their workman which has been transferred to this Tribunal in view of Government of India, Ministry of Labour's Order No. H-11026/1/2001-IR(C.II) dated 18-10-2001 bearing ID No.9/2000. The reference is,

SCHEDULE

"Is the action of the management of Andhra Bank, Hyderabad justified in discharging Smt. P. Ramani Kumari, Ex-clerk/Typist from services? If not, what relief is she entitled to?"

The reference is renumbered in this Tribunal as I.D. No. 126/2002 and notices issued to the parties.

2. The brief facts as stated in the claim statement are : That the Petitioner was appointed as clerk-cum-typist in Andhra Bank in the year 1988 and posted to Peddapalli, Karimnagar District. Thereafter, Petitioner was transferred to Bus Station Complex, Karimnagar in the year 1992. The Petitioner got married and her husband is working at Hyderabad. She made representations for her transfer to Hyderabad. The Deputy Manager, Central Office, Hyderabad issued office order No.666/3/B/TR/45 dated 4-4-1996 transferring the Petitioner to Staff Department, Head Office, Hyderabad for further posting. But she was not relieved by the branch. Bus Station Complex, Karimnagar. Later she went on maternity leave from 8-10-1995 to 6-1-96 for second delivery. Due to tender age of the child and her ill health and ill health of the child she was forced to apply leaves. She submitted leave letter whenever she proceeded on leave. Her period of leave was treated as leave admissible and the remaining period was treated as leave without pay and allowances. She requested to relieve her as she has been issued proceedings of transfer to Hyderabad and also as her 10 months old baby was

not keeping good health and she went on leave from 6-4-1996 onwards.

3. Instead of relieving the Petitioner she was issued with charge sheet dated 13-8-1996 alleging absence from duty from 6-4-1996 without permission/prior permission/ sanction of leave from the competent authorities and have been extending leave. It was alleged that inspite of telegram issued by the authority on 7-6-96 and 13-6-96, the Petitioner did not report till date. It was alleged in the charge that she was also warned for unauthorized leave. These alleged irregularities amounts to misconduct under Clause 19(5)(f) of Bipartite Settlement. Petitioner submitted a detailed explanation dated 20-9-1996. Without considering her explanation she was issued with show cause notice of dismissal from service dated 30-9-96, without conducting any enquiry. Petitioner made representation against dismissal order on 13-11-96. Thereafter, by proceedings dated 20-1-1997 a show cause notice was withdrawn and an enquiry officer was appointed and conducted enquiry which was held on 6-3-97 and 28-4-97. Management examined one witness, 11 documents were marked. It was also held rejection/sanction of leave has not been communicated to the employee. Enquiry Officer held that the period is treated as unauthorized absence and charge is proved. The Petitioner was asked to submit comments on the findings of the enquiry officer vide letter dated 26-5-97. She replied vide letter dated 18-6-97. After a show cause notice dated 18-10-97 Petitioner was discharged from service vide proceedings dated 9-12-1997.

5. The Petitioner raised the dispute before the Regional Labour Commissioner (C), Hyderabad which was referred for adjudication to the Central Government. The Petitioner delivered her first child in April, 1994. She was far away from her parents and her husband was living at Hyderabad. She was under compulsion to abstain from duties as she had complications during pregnancy. Though she has been submitting leave letter from time to time, she was issued letter treating the period of absence from 22-3-95 to 2-6-96 as leave without pay and allowance. The circumstances under which Petitioner was absent for the duties vide chargesheet dated 7-2-95, 21-3-95 and 21-6-95 are totally different and same cannot be termed as habitual absence. Enquiry Officer also held that she has been submitting leave letters from time to time and there is no rejection of her leave by the Department. Therefore, it is unjustified on the part of the Respondent to allege that the Petitioner has violated clause 19(5) (f) of Bipartite Settlement which reads as follows :

"19.5 : By the expression "gross misconduct" shall be meant any of the following acts and omission on the part of the employee.

(a)...

(f) habitual doing of any act which amounts to "minor misconduct" as defined below, 'habitual' meaning a course of action taken or persisted in notwithstanding that at least on three previous occasions censure or warnings have been administered or an adverse remark has been entered against him."

6. As per finding of the enquiry officer, the charge under clause 19(5)(f) cannot be held proved. The major penalty of dismissal for the charges framed against the Petitioner are unjustified and disproportionate to the charges alleged against the Petitioner and proved. She prays to declare her discharge from service as unjustified and to pass an award directing the Respondent bank to reinstate the Petitioner into service with all consequential benefits including arrears of salary.

7. A counter was filed stating that due to administrative reasons and exigencies of service, the Petitioner's transfer from Karminagar to Hyderabad could not be given effect to and now the Petitioner cannot agitate the same. It is false to allege that the authorities have been treating the unauthorized absence of the Petitioner as leave admissible and the remaining period as leave without pay and allowances. She was a chronic absentee and frequently absented herself from duty unauthorisedly and hence she was subjected to disciplinary action on several occasions for such misconduct. She was warned through three warnings and chargesheets vide letters dated 21-6-1995, 21-3-1995, 30-9-96 and 13-8-1996 for her unauthorized absence. An enquiry was held and she afforded sufficient opportunity to defend herself and charges were held proved. The disciplinary authority proposed the punishment of discharge of the Petitioner from service with superannuation benefits etc. vide orders dated 18-7-97. She did not prefer any appeal against the same and she rushed to this Tribunal. Till her date of dismissal she absented for 27 months unauthorisedly. She was not attending to her duties from 6-4-1996. The question of relieving would raise only if she attended her duties regularly. There is no provision to relieve an absentee employee in absentia and in the case of the Petitioner, in view of institution of a series of departmental proceedings for her unauthorized absence, there was no question of relieving her in absentia. A charge sheet was issued to her and a regular domestic enquiry was conducted and punishment was imposed against the Petitioner. Her misconduct was clearly established by the material on record and she was found guilty of misconduct coming within clause 19.5(f) of the bipartite settlement. She was discharged from service without any disqualification for future employment thus saving her of stigma. As per the service rules three types of leave are available to the employees-casual leave, privilege leave and sick leave and the employees can only avail such leaves according to eligibility with prior sanction. Having absented for years together unauthorisedly the Petitioner claim that she had applied for leave time to time and such claim not supported by any documentary evidence, cannot regularize the irregularity committed by he., nor can be condoned. The charge of unauthorized absence was held proved by the

Enquiry Officer and her discharge is valid in the said circumstances. The Enquiry Officer has taken all the factors into consideration and gave his report based on sound material evidence and the reasoning is cogent. Hence, the petition is liable to be dismissed.

8. Arguments were heard on the validity of domestic enquiry and this Tribunal by a detailed order dated 16-12-2002 held that the domestic enquiry is validly conducted.

9. It is argued by the Learned Counsel for the Petitioner that the Petitioner joined in service in the year 1988 as clerk-cum-typist. Thereafter she was transferred to Bus Station Complex, Karimnagar in the year 1992. The Petitioner got married and her husband was working at Hyderabad. She made representation for her transfer. That her request for transfer to Hyderabad was once considered and she was transferred to Head Office but not relieved by the branch. She went on maternity leave from 8-10-95 to 6-4-96 for second delivery. So as her 10 months baby was not keeping good health she went on leave from 6-4-96 onwards. Instead of relieving the Petitioner she was issued with a charge sheet dated 13-8-96 alleging absence from duty from 6-4-96 without prior permission or sanction of leave. It was alleged that inspite of telegrams 7-6-96 and 13-6-96 the Petitioner did not report. Actually the circumstances made her to absent herself for the child and other difficulties. The management has filed several documents, charge sheet wherein it was stated that she was absenting herself from 6-4-96 and did not report to duty till 13-8-96 and previously on three occasions she has been warned for unauthorized absence. The enquiry has been held valid because not only the charge sheeted employee was there but her defence representative was also there. There she gave the explanation. That she was forced to go on leave and had no intention to cause inconvenience to the branch. Hence, she may be reinstated with back wages and all other attendant benefits.

10. It is argued by the Learned Counsel for the Respondent that the punishment of discharge from services with superannuation benefits as would be due otherwise at this stage and without disqualification from future employment. He submits that a very lenient view was taken and the order was passed on 9-12-97. Absenteeism causes a lot of inconvenience and therefore it should not be treated lightly and it deserves the maximum punishment. Hence, the petition may be dismissed.

11. It may be noted that with all the experience one can make out two plus two is equal to four. The lady had applied for transfer to Hyderabad. The said request was granted but she was not relieved by the Karimnagar branch. So obviously all these leave applications are just to avoid Bus Station Complex branch, Karimnagar. I do not know the reasons for her being not relieved. But this sort of tactics to avoid a station and going on leave dislocates the work, causes lot of inconvenience to the branch where she was working. However, taking into consideration that the quality of mercy is not strained and that the Petitioner has been working from 1988 and she has been dismissed on 18-10-97 and the punishment can be modified invoking the provisions of Sec. 11-A as she is a lady with two small children. Hence, the reference is ordered accordingly: "The action of the management of Andhra Bank, Hyderabad is not justified in discharging Smt. P. Ramani Kumari, Ex-Clerk/Typist from service. She is entitled for reinstatement within 30 days from the publication of this award as Clerk-cum-Typist on the minimum pay scale now payable to the post of Clerk-cum-Typist. She will not be entitled for wages till 30 days from the publication of the award and after 30 days of publication of award if she is not taken back she will be entitled for the minimum pay scale of Clerk-cum-Typist. Her past services from 1988 till her reinstatement shall be counted only for her retirement benefits if she keeps a clean record for three consecutive years and does not absent herself without proper intimation and sanction of leave.

Award passed accordingly. Transmit.

Dictated to Kum. K. Phani Gowri, Personal Assistant transcribed by her corrected and pronounced by me on this the 29th day of April, 2003.

E. ISMAIL, Presiding Officer

Appendix of Evidence

Witnesses examined for the Petitioner	Witnesses examined for the Respondent
NIL	NIL

Documents marked for the Petitioner

NIL

Documents marked for the Respondent

NIL

नई दिल्ली, 17 जून, 2003

का. आ. 1943.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार विशाखापत्तनम डॉक लेबर बोर्ड के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय हैदराबाद के पंचाट, (संदर्भ संख्या 171/2002) को प्रकाशित करती है, जो केन्द्रीय सरकार को 17-6-2003 को प्राप्त हुआ था।

[सं० एल-34011/3/2001-आई.आर.(एम)]

अजय कुमार, डैस्क अधिकारी

New Delhi, the 17th June, 2003

S. O. 1943.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 171/2002) of the Central Government Industrial Tribunal-cum-Labour Court, Hyderabad as shown in the Annexure, in the Industrial Dispute between the employers in relation to the management of Visakhapatnam Dock Labour Board and their workman, which was received by the Central Government on 17-06-2003.

[No. L-34011/3/2001-IR(M)]

AJAY KUMAR, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT AT HYDERABAD

Present : - Shri E. Ismail
Presiding Officer

Dated, the 11th March, 2003

INDUSTRIAL DISPUTE NO. 171/2002

(Old I.D. No. 48/2001 transferred from Industrial Tribunal-cum-Labour Court, Visakhapatnam)

BETWEEN:

The Hon'ble President,
Visakhapatnam Dock Labour Board &
Dock Workers Union,
26-15-204, Dharmasakti Bhavan,
Visakhapatnam ...Petitioners

AND

The Dy. Chairman,
Visakhapatnam Dock Labour Board,
Dock Labour Board,
Visakhapatnam ...Respondent

APPEARANCES:

For the Petitioner : Sri B. K. Sarma, Honorary President of Petitioners' Union, Representative

For the Respondent : M/s. K. Srinivasa Murthy, V. Umadevi & C. Vijaya Shekar Reddy, Advocates

AWARD

The Government of India, Ministry of Labour by its order No. L-34011/3/2001-IR(M) dated 27-6-2001 referred the following dispute under Section 10(1)(d) of the I.D. Act, 1947 for adjudication to the Industrial Tribunal-cum-Labour Court, Visakhapatnam between the management of Visakhapatnam Dock Labour Board and their workmen. In view of Government of India, Ministry of Labour's Order No. H-11026/1/2001-IR(C.II) dated 18-10-2001 this case has been transferred to this Tribunal bearing No. I.T.I.D. 48/2001. The reference is,

SCHEDULE

"Whether the demands of Visakhapatnam Dock Labour Board and Dock Workers' Union against the management of Visakhapatnam Dock Labour Board for providing better service conditions to the workers of Dock Labour Board as listed below is legal and/or justified ? If not, to what relief the union is entitled ?"

1. All the B-1 Mazdoors in Un-Registered Scheme should be covered as "B Category Mazdoors and common rotation system should be followed along with other mazdoors.
2. The facility of 16 paid holidays and the Sick Leave (half-pay leave) should be extended to the workers of Dock Labour Board on par with the workers of Visakhapatnam Port Trust.
3. The minimum guarantee should be increased to 21 days wages from 16 days to all the workers who are employed during 1992, 1994 and 1996.
4. Bate shoes should be supplied to all workers employees as a part of uniform instead of present supply of shoes.
5. The Dock Labour Board Hospital is to be Air-conditioned as it is exposed to dust, hazardous Cargo and heat."

The reference is numbered in this Tribunal as I.D. No. 171/2002 and notices issued to the parties.

2. Inspite of several adjournments given from 24-10-2002 for filing of claim statement and documents for four adjournments including 11-3-2003 representative of the Petitioner union has not turned out after 3-9-2002 with claim statement and documents. The petitioner union has failed to produce any evidence in support of their claim. There is nothing on record to show that the demands of the union is justified. Hence, the reference is ordered against the petitioner union and it is held that the petitioner union is not entitled for any relief.

Accordingly a 'Nil' Award is passed. Transmit.

Dictated to Kum. K. Phani Gowri, Personal Assistant transcribed by her corrected and pronounced by me on this the 11th day of March, 2003.

E. ISMAIL, Presiding Officer

Appendix of Evidence

Witnesses examined for the Petitioner	Witnesses examined for the Respondent
NIL	NIL

Documents marked for the Petitioner

NIL

Documents marked for the Respondent

NIL

नई दिल्ली, 17 जून, 2003

का. आ. 1944.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार सिंडिकेट बैंक के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, हैदराबाद के पंचाट (संदर्भ संख्या 207/2002) को प्रकाशित करती है, जो केन्द्रीय सरकार को 17-6-2003 को प्राप्त हुआ था।

[सं. एल-12012/263/99-आई.आर. (बी-II)]

अजय कुमार, डैस्क अधिकारी

New Delhi, the 17th June, 2003

S.O. 1944.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award Ref. No. 207/2002 of the Central Government Industrial Tribunal-cum-Labour Court, Hyderabad as shown in the Annexure, in the industrial dispute between the management of Syndicate Bank and their workmen, received by the Central Government on 17-06-2003.

[No. L-12012/263/99-IR (B-II)]

AJAY KUMAR, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT AT HYDERABAD

PRESENT:

Shri E. Ismail, B.Sc., LL.B., Presiding Officer

Dated the 29th day of April, 2003

Industrial Dispute I.D. No. 207/2002
(Old I.D. No. 8/2000 transferred from Industrial Tribuanl-I, Hyderabad)

BETWEEN:

Sri R. Rama Mohan Rao, S/o Late S. Rao, Utukuru Village, Penogolanu (Post) Gampalagudem (M), Krishna Dist. : Petitioner

AND

The Dy. Manager, Syndicate Bank, Zonal Office, Pioneer House, 6-3-653, Somajiguda Hyderabad-500 012. : Respondent

APPEARANCES:

For the Petitioner : M/s. William Burra and N.S. Raju, Advocates

For the Respondent M/s. K. Srinivasa Murthy, C. Vijaya Shekar Reddy, V. Umadevi, V. Ramesh and B. Vijaya Kumar, Advocates

AWARD

This is a case referred by the Govt. of India, Ministry of Labour by Order No. L-12012/263/99/IR(B. II) dated 2-2-2000 to the Industrial Tribunal-I, Hyderabad and transferred to this Tribunal bearing I.D. No. 8/2000 between the management of Syndicate Bank and their workman in view of Government of India, Ministry of Labour's Order No. H-11026/1/2001-IR (C-II) dated 18-10-2001. The I.D. was renumbered in this Tribunal as I.D. No. 207/2002 and notices issued to parties.

SCHEDULE

"Whether the action of the management of Syndicate Bank Zonal Office, Hyderabad in dismissing the service of Sri R. Rama Mohana Rao, Ex-Clerk is justified? If not, what relief the workman is entitled to?"

2. The Petitioner filed claim statement with the following averments. The Petitioner was employed as clerk with the Respondent bank in the year 1984 after his retirement from Indian Air Force. The Petitioner was given a charge sheet dated 30-7-1996 alleging that the Petitioner while holding one set of joint custody keys on 7-10-92 has authorized payment of Rs. 27,200/- in respect of VCC No. 1074 of Sri Ch. Nageshwara Rao, Proprietor of M/s. Sreenivasa Fertilisers by prematurely closing the account and appropriated the procedure in a fraudulent and dubious manner and resorted to tampering/destruction/stealthier removal of the records from the branch to conceal fraudulent acts and also caused financial loss to the bank to the extent of Rs. 27,200/- and thus committed gross misconduct against the interest of the Respondent bank as per clause 19.5(J) of the Bipartite settlement. The Petitioner has denied all the charges levelled against him vide his letter dated 14-9-1996. Yet the Respondent appointed Sri K.R. Bhatt, Assistant Personnel Manager, as enquiry Officer. Thereupon the enquiry officer has conducted enquiry on 16-12-1996 and subsequent dates and finally on 13-8-97. The enquiry proceedings consisting of 50 pages was submitted by the enquiry officer on 27-2-98. The Petitioner has denied all the allegations. However, he was given an opportunity of personal hearing vide letter dated 5-8-98. At the time of personal hearing also the Petitioner has made submissions in writing on 16-9-98. The Petitioner was however dismissed on 31-10-98. An appeal was preferred by the Petitioner. That it was also dismissed. Therefore he approached the ALC(C), Vijayawada and his conciliation failed. Hence, this reference.

3. The Petitioner would not have opened the safe when the other key which was in the custody of Sri K.K.V. Prasad. There is no proof that Sri K.K.V. Prasad handed over the key to the Petitioner. In fact, the Petitioner and K.K.V. Prasad have handed over the keys to the Manager and Assistant Manager respectively on the same date. Thus opening the safe by the Petitioner is baseless and incorrect. Even if it is admitted that the safe is opened with the connivance of K.K.V. Prasad the security documents would not be available as the said documents are in the cabinet and keys in respect of the cabinet are always with the Manager/Assistant Manager. Hence, the Petitioner has no access of to the security documents. Hence, allegation that the security documents VCC No. 1074 closed and proceedings with the same was improper are far from truth. On the other hand it is possible that the Manager and the Assistant Manager who were in possession of joint custodian keys have helped the customer Sri Nageshwara Rao either before handing over the keys to the Petitioner and K.K.V. Prasad or after 7.10.92 as the Manager and Assistant Manager have held the joint custodian keys on the same date. The Manager and Assistant Manager apparently connived and helped Sri Ch. Nageshwara Rao by releasing the deposit. Hence, both the Manager and Assistant Manager are responsible for the fraud and the Petitioner is innocent. Supposing the contention of the Petitioner that Sri Ch. Nageshwara Rao, VCC No. 1074 holder encashed the same prematurely on 7.10.92. The Manager and Assistant Manager have sanctioned loan on deposit A/c No. 119/92 on 10-10-1992 on the security of VCC No. 1074. This the action of the Manager, Assistant Manager would indicate that both are responsible for pre-mature encashment of VCC No. 1074 and aslo for sanction of loan on deposit Account No. 119/92. Manager joined duty on 7-10-92 for 10.30 AM. The Petitioner handed over the key to the manager at once. That the Assistant Manager have gone to Vijayawada for cash remittance has returned to the bank around 12 Noon and the other joint custodian key hold by Sri K.K.V. Prasad was handed over to him. It would be thus seen that the Petitioner was holding the said key for short duration while the Manager was holding it for the entire day. It is further submitted the encashment of VCC No. 1074 was accomplished only if the Manager joined duty and pay order was passed under his signature for payment of Rs. 27,200/-. Though no fraud and other irregularities are committed by the Petitioner, he made a scape goat for the entire transaction.

4. In the annual inspection of the branch conducted on 25-5-93 it was pointed out that SOD/1/89 of Sri Ch. Nageshwara Rao, proprietor, M/s. Sreenivasa Fertilizers that the said customer was not having any deposit as security and it was also pointed out that it should have a security of VCC of Rs. 27,390/-. In reply to the above observation the Manager replied that VCC was adjusted to goods loan a/c and was closed. The Manager has also replied that the party has submitted renewal proposal and has agreed to make VCC for Rs. 30,000/-. It is submitted that the VCC 1074 not been closed with the approval and sanction of the Manager, the above reply would not have been recorded. Thus, the Petitioner is absolutely innocent and he deserves reinstatement and other attendant benefits including back wages.

5. It is also submitted by the Petitioner that reply of the Manager to annual inspection regarding closure of VCC 1074 was accepted by the Respondent Bank in May, 1993, however, to the dismay of the Petitioner, action by issuing charge sheet was taken in July, 1996. Hence, the charge sheet given in July, 1996 for the alleged misconduct committed in 1992 is irregular, in operative and against the principles of natural justice. The Petitioner was a cashier on the relevant date and as cashier, it is not the duty of the Petitioner to make entries in the SB ledger. However, in the sub-day book, day book and General ledger entries of 7-10-92 were made by the Petitioner on the next working day and that on the basis of the vouchers made available to Petitioner. Hence, the Petitioner is not responsible for missing vouchers. The vouchers and other Books were verified by the Manager/Assistant Manager signed by them after having found correct as per M.Ex. 4. The scroll M.Ex. 3 was also checked and signed by the Manager/ Assistant Manager. Thus, the Officers scroll was also maintained. The officer scroll was conveniently destroyed to suit the designs of the Manager and shifted the blame on the Petitioner. It is submitted that if the officers scroll was not written there appears to be no basis for the Manager/Assistant Manager to verify cashier's scroll and cash single lock book entries as was done in M.Ex. 3 & 4. It is further submitted that to cover up the illegal actions the Branch Manager/Assistant Manager appears to have destroyed vouchers bundles for 7.10.92 and 10.10.92 and shifted the blame on the Petitioner.

6. The customer, Sri Ch. Nageshwara Rao has received the proceeds of VCC 1074 amounting to Rs. 27,200/ as he did not lodge a complaint for non-receipt of the proceeds, besides if the VCC 1074 was not closed by him he would not have deposited Rs. 30,000/- as fresh VCC. Thus the action of the customer established that he received the proceeds amounting to Rs. 27,200/- and hence, the Petitioner has not misappropriated the funds of the bank. The enquiry officer has also held that there was no mis-appropriation committed by the Petitioner. It is submitted that the Respondent No. 1 has concluded that the Petitioner had falsified the bank records. It is submitted that there was no falsification of bank records committed by the Petitioner. The Petitioner states that on the basis of available vouchers, the entries were made in sub-day book, day book etc. From the above it is seen that the Petitioner had no ill-intentions or pecuniary benefits to falsify the bank records. Further there was no charge framed regarding falsification of bank records. Hence, dismissal order basing on the

falsification of bank record is not maintainable and hence it is prayed that the order dated 19.3.99 dismissing the Petitioner be set aside and the Hon'ble Tribunal may grant relief or reliefs as necessary.

7. In the counter filed by the Respondent it is submitted that the Petitioner Sri R. Rama Mohan Rao while he was working as clerk in Anigandlapadu branch and he was holding one set of joint custody keys, on 7.10.92 he authorized payment of Rs.27, 200/- as cashier in respect of SB A/c No.70 of Sri Ch. Nageswara Rao through SB ledger and sub-day book and day book did not reflect the said payment. He accounted the said payment in the general ledger by debiting VCC account with Rs.28,447/- and crediting IOD account with Rs.1247/- the deposit receipt in respect of the said VCC account 1074 discharged by the depositor being in the custody of the branch as security to the SOD account of the party and the depositor denied having closed the VCC account prematurely which indicated his having withdrawn Rs.27, 200/- and further he has also tampered/destructed/removed relevant documents from the branch records to conceal his fraudulent acts in the matter. The Manager was on leave and was due to join the branch on 7.10.92. Normally the safe of the bank which holds cash and other securities including loan documents will be operated jointly by the Manager/custodian and the Assistant Manager/Joint custodian. In the instant case as the Manager went on leave he had handed over his keys viz. custodian keys to the Assistant Manager Sri S.K.D. Prasad on 1.10.92. The joint custody key was handed over to the Petitioner herein. The Assistant Manager had to go to Vijayawada for cash remittance on 7.10.92. As such the custodian key held by Sri S.K.D. Prasad was handed over to the Petitioner and the joint custodian key held by him was handed over to Sri K.K.D. Prasad, clerk who was present on 7.10.92. Such handing over of the key took place on 5.10.92 (6.10.92 was a holiday) to ensure opening and commencement of business of the branch on 7.10.92 in time. The Manager joined the branch on 7.10.92 quite late and the Assistant Manager returned from Vijayawada after the cash remittance in the evening almost by the time the cash hours were nearing closure. Thus the Petitioner herein and Sri K.K.D. Prasad were the custodian and joint custodian of the branch till the Manager and Assistant Manager joined the branch on 7.10.92. Sri K.K. D. Prasad had gone out for some work and was not available in the branch after opening the branch on 7.10.92 and the Petitioner was alone in the branch for quite a considerable length of time. Thus, he was holding the keys of the safe which contains the loan papers too. The other contentions of the Petitioner as regards to the custody of the keys of Godrej cabinet where the loan documents were kept is not tenable since it has been established that the Petitioner while holding one set of joint custody keys authorized payment of Rs.27, 200/- in respect of VCC 1074 of Sri Ch. Nageshwara Rao was discharged by the depositor and pledged as security to S.O.D. a/c. There can be no two opinion that such deposit receipts are kept along with the loan documents and that being so the Petitioner's involvement in removing the said deposit receipt. Hence, the contention of the Petitioner in not opening the safe etc. is not correct. With regard to para 3 the Petitioner had authorized payment of VCC 1074 of Sri Ch. Nageswhwar Rao, Proprietor of M/s Sreenivasa Fertilizers by prematurely closing the same. As a cashier he made an entry in Cashier's scroll for payment of Rs.27,200/- in SB a/c 70 of Sri Ch. Nageshwar Rao without making corresponding debit in SB ledger and the SB sub-day book but he made an entry in the general ledger. For an amount of Rs.28,175/- under SB column without including Rs.27,200/- paid by him. Further verification of general ledger for the dated 7.10.92 discloses a debit of Rs.28,447/- under VCC and credit of Rs. 1,247/- as interest on deposit account thereby depicting a net of Rs.27,200/- under VCC which was the exact amount of payment made against VCC 1074 as evidenced by the cashier's scroll written by the Petitioner. Thus, it is clear that the Petitioner while working in the branch on 7.10.92 by got hold of the VCC and made a pre-mature payment of Rs.27,200/- unauthorisedly. The said VCC was given to the branch with due discharge by the depositor as security to SOD No. 11/89 with the limit of Rs.50,000/-granted to Sri Nageshwara Rao, (Proprietor of M/s Sreenivasa Fertillizers Ltd.). Sri Nageshwara Rao having refused to have made any request for pre-mature closing of the deposit or having received any amount there from.

8. In the above manner the Petitioner besides indulging in misapporpriation of bank funds also indulged in making false entries in books of account in furtherance of his fraudulent intentions/efforts. He has also caused financial loss of Rs.27,200/- plus interest to the bank hence, the contention of the Petitioner that he is innocent is only misleading and not borne by the facts. The contention of the Petitioner that the Branch Manager joined duty on 7.10.92 at 10.30 AM and the Petitioner handed over the keys to the manager is not correct. It has been brought in the enquiry that the Manager joined in the branch quite late that day. After returned from tour and the Assistant Manager Sri S.K.D. Prasad returned to the branch in the afternoon. The cash remittance entry in the cashier's scroll was almost the last entry which amply testifies the late coming of; the Assistant Manager too. Besides the entries and authorization of the Supervisory staff too made by Sri Ram Mohan Rao in many books of accounts on that day clearly establishes the absence of Sri K.K.D. Prasad, the other clerk too in the branch and the long dealing of the Petitioner only. Besides the entries passed by him the cashier's scroll maintained by him and the general ledger clearly establishes that the payment of such VCC was made by him only and the necessary entries were also passed by him only. Hence, it is not correct to state that he was made a scape goat.

9. Erstwhile Manager Sri D.K. Babu resorted to misrepresentation of fact, as he was evidenced vide M.Ex.15 and 16 and his arranging of LD on VCC 1074 on 10.10.92 was one of the several serious irregularities committed by him and he was chargesheeted for; his acts and was dismissed from the service of the bank. Contention of the Petitioner is only an attempt to take shelter under the irregularities committed by Sri D.K. Babu, erstwhile Manager. It has come on record at the enquiry clearly that Sri D.K. Babu, the then Manager has misrepresented the facts while submitting the inspection rectification report and he was chargesheeted on that count also and also the action against the Petitoner was initiated soon after the irregularities came to light. Along with the other irregularities of the branch wherein the Manager was also involved. Further, the Petitioner was given every opportunity to participate/defend in the enquiry and the enquiry was conducted in consonance with the principles of natural justice and also as per the provisions of the bipartite settlement. That the Petitioner on that day functioned in the branch alone for sometime with the assistance of temporary attender till others returned to the branch and there is nothing on record to indicate that the Manager's cash scroll was written on that day. The Petitioner himself has made an entry as, "for payment of Rs.27,200/- in respect of SB account No.70 of Sri Ch. Nageswar Rao". The Petitioner destroyed /caused to destroy the entire slip bundle of 7.10.92 and folios 128 to 131 of Day Book containing the transactions of 7.10.92 and folios 7 and 8 of VCC ledger containing the particulars of VCC 1074 and trying to put the blame on the supervisory staff as an after thought. It is incorrect to suggest that Sri Nageshwara Rao has lodged a complaint for non-receipt because it is clear that the Petitioner paid an amount of Rs.27,200/- unauthorisedly. The Appellate Authority has also considered all this while passing the orders. Further the Petitioner's working in a financial institute and his resorting criminal acts like falsification of bank records, misappropriation of bank funds etc. and betraying the faith which the management has instilled in him. Hence, there were no merits in the Petitioner's case and he is liable to be dismissed.

10. Arguments were heard on the validity of domestic enquiry and this Tribunal by a detailed order dated 21.11.2002 held that the domestic enquiry is validly conducted.

11. Afterwards Petitioner came up with a petition that the Petitioner may be permitted to lead evidence of officers of the Petitioner in the interest of justice otherwise he will be put to irreparable loss. This Court by an order dated 24.12.1992 held that under Sec. 11 A of the Industrial Disputes Act which reads thus: "..... .as the case may be shall rely on the materials of the record and shall not take any fresh evidence in relation to the matter." Accordingly the petition was dismissed.

12. Final arguments were heard and it is argued by the Learned Counsel for the Petitioner that as per the enquiry report submitted to the management, the Petitioner has not misappropriated the funds of the bank and thus there is no financial loss caused to the bank. The Enquiry Officer has further held that the Petitioner has falsified the records in connivance of Sri D.K. Babu, Branch Manager of the branch. Hence, the Petitioner's services have been terminated with effect from 12.10.98. The Petitioner submitted an appeal to the Appellate authority but in vain. Accordingly he approached the ALC(C) and hence, the reference which was made to Industrial Tribunal-I, Hyderabad of the State Government and later transferred to this Tribunal. On 7.10.92 when the bank was opened at 10 AM. The Petitioner and the other clerk Sri K.K.V. Prasad were present. Along with them Sri. Mohd. Ayub was also present. That Sri D.K. Babu, Branch Manager had joined the bank at about 10.30 AM and the bank opened with joint custody keys of the safe which were with the Petitioner and Sri K.K.V. Prasad. That since the Branch Manager resumed duty, the first set of keys available with the Petitioner were handed over to the Branch Manager. Hence, from 10.30 AM itself the joint custody keys were handed over to the Branch Manger and Sri K.K.V. Prasad. Therefore, the Petitioner was handling the joint custody keys from 10 A.M. to 10.30A.M. only. The Petitioner was having the joint custody keys for about half an hour only while others were having for longer duration. This is evident from joint custody key register which are marked as Ex.M.EX-2 and M.EX-5. Unless the other custodian of the keys, Sri K.K.V. Prasad collides with the Petitioner. Even if the safe is opened document NO.VCC 1074 will not be available in the safe. The general practice followed in the banks is that the documents are kept in the Steel Almirah in the custody of the Branch Manager. This had been clearly brought in the enquiry report page 42 and 43. The Enquiry Officer has therefore categorically indicated that there is no scope for the Petitioner to remove and encash the VCC 1074. That although the other three employees namely S/Shri D.K. Babu, Manger, S.K.D. Prasad, Assistant Manager and K.K.V. Prasad, clerk, though handled the joint custody keys on 7.10.92 for longer duration no charges were filed against them. Petitioner has been therefore singled out for disciplinary proceedings. This clearly indicates that the Respondents had chosen to punish the Petitioner alone for reasons best known to them.

13. The alleged misappropriation has taken place on 7.10.92 whereas the charge sheet was issued on 30.7.96 after nearly 4 years. This delay of 4 years has great significance . That as per clause 19.11 of the Bipartite settlement it is laid down that when it is decided to take any disciplinary action against an employee such decision shall be communicated to him within three days thereof. Hence, the inordinate delay in this regard has great significance and the entire proceedings are liable to be quashed by this Hon'ble Tribunal. It has been brought out

in the enquiry that no complaint was received from the customer, Sri Nageshwara Rao for closing VCC 1074 deposit account. It has been clearly mentioned in enquiry report at page No.2. It is a mystery as to who closed the account and who appropriated the proceedings. That the Branch Manager who is having access to the documents has fraudulently misappropriated the documents. Thus when the said customer sought for loan on the same deposit, the Branch Manger to cover-up the closure of the account has sanctioned amount of Rs.20,000/- loan to the customer on 10-10-92. The loan account number being 119/92. That during branch inspection on 25-5-93 the inspectors observed the sanction of loan to the said customer against VCC 1074 deposit account which is non-existent. Till such time the Branch Manager suppressed these facts. When the inspectors during branch inspection pointed out these grave lapses, the Branch Manager got it closed the loan account No. 119/92 for Rs. 20,000/-. Further there was no security deposit for SOD loan account for the same customer. Hence, the Branch Manager has arranged the deposit of Rs.30,000/- in respect of SOD loan and submitted rectification report. All the above facts were brought out in enquiry report at Page Nos. 39 to 41 and Page 45. The Branch Manager who has deliberately removed the entire slip bundle of 7-10-92 and pages 128 to 131 of the Day-book and folio 7 & 8 of VCC ledger. The Enquiry Officer has clearly held that the above documents are missing from the records of the branch and the management could not produce the same at the time of enquiry. The Enquiry Officer has also held that the Petitioner is not responsible for missing documents as indicated in page 39 of the enquiry report. Hence, it is clear that the Branch Manager is alone responsible for missing documents.

14. The allegation of falsification of records is also false. That the Petitioner was working as cashier. In the normal course the entries in the VCC ledger and SB ledger have to be made on the same day by another person but no entry was made on the same day. Evidently, the entries are made on the subsequent day. Hence the Petitioner has made entrics on the subsequent days on the request of the Manager and to the extent of the dcuments or vouchers available to the Petitioner. The petitioner could not notice that some slips are missing. That in the banking industry at every stage there is cent percent check by Manager and Assistant Manager. The Assistant Manager, Sri S.K.D. Prasad has stated that it is the duty of the Manager/ Assistant Manager to sign slip bundles confirming the slips pertaining to the transactions of the day are in tact and he further stated that the slip bundles are stitched after the day book and signed by the Manager/Assistant Manager and there is no such scope for the Petitioner for falsification. It is further pertinent to note that as per enquiry report page 28, the slips pertaining to VCC 1074 and SB A/ c 70 of Sri Ch. Nageshwara Rao were prepared by him and entered into respective ledgers. Which was not disputed by the Respondent. When there is no access of Petitioner to handle VCC 1074 where is the question of preparing slips and entering in the ledgers. Hence, falsification of records is also not proved. That the Petitioner was the cashier at the relevant time. Hence, some one else would close the VCC account No.2074 pre-maturely and that too with the approval of Branch Manager. Someone has authorized payment and issued the token.. The above actions would show that the Branch Manager is the other person who might have master minded the entire thing. In the enquiry report at page 43 it was mentioned that various serious irregularities are committed by Sri D.K. Babu the Branch Manager. Hence, the financial loss, misappropriation and falsification of records are done by Sri D.K. Babu and not by the Petitioner which are relevant to pages 43, 44 and 45 of the enquiry report. The Petitioner did not make entries in the SOD ledger and day book not to falsify the records but it is purely an error or omission. Further, the punishment of dismissal from service is disproportionate to the offence if any committed by the petitioner of a simple error of omission. Further no charge was levelled against the petitioner for falsification of records. Hence, he may be reinstated.

15. The Learned Counsel for the Respondent submits that it has been fully established in the enquiry that the Petitioner is guilty of some charges and as it is a financial institution anybody with dubious character can falsify/ destroy the records and commit acts which are prejudicial in the principles of the institution can not be permitted to continue in the bank. Hence, he submits that the Hon'ble Tribunal may not interfere with the punishment of dismissal awarded. He relies on 1999 (6) ALD Part II page 11 wherein his Lordship did not interfere with the order of the removal as confirmed by the Labour Court as the charge against the employee was one of trying to assault the officer on three occasions on the ground that he was wrongly placed under suspension by the said officer.

16. It may be seen that almost 12 points framed in the charge sheet, several allegations are made but ultimately in the enquiry report submitted by the Enquiry Officer it is held after careful analysis of the evidence as concluded that he has made a scroll entry of Rs.27,200/- in respect of VCC 1074 of Sri Ch. Nageswara Rao. He also held that he accounted the said payment of Rs.27,200/- in the general ledger by debiting VCC A/c with Rs.28,447/- and crediting IOD with Rs.1247/-. He also held that the amount of Rs.28,447/- under VCC proceeds to VCC 1074 of Sri Nageswara Rao. This also held as proved. He also held that the balancing book in respect of comments indicated closure of the VCC A/c. He further held that the writings in the exhibits are in the hand of the Petitioner. Of course, he came to the conclusion that the proceeds of VCC 1074 was not received by the chargesheeted employee and came to the conclusion about the involvement of Sri D. Kamalakar Babu, the then Manager. Ultimately he concluded that the bank records have been falsified by the chargesheeted

employee. Of course he concluded on point No. 11 that the charge sheeted employee has not misappropriated money that he used to say that he did not got any financial gain. Now, the question is what is the punishment that is awarded and what is the service rendered by the Petitioner to the bank and whether he is entitled for any relief ?

17. It may be seen that the Petitioner has been employed as a Clerk with the Respondent bank in the year 1984 after his retirement from Indian Air Force. Admittedly there has been no financial loss to the bank. The Respondent's Counsel while argued it across the bench that the then Branch Manager, Sri D. Kamalakar Babu has been dismissed from service. This incident has taken place in the year 1992. The charge sheet was given on 30-7-1996 for an offence committed in 1992. Ultimately he was dismissed on 31-10-1998 that is after six years. The enquiry took almost one year ten months and to start enquiry it took about four years. As a clerk in the bank having worked in Indian Air Force he would have received his retirement benefits there and here also his GPF might have been paid and when he has filed this application he was aged 55 years when he filed in April, 2000. By now, he must have been reaching the superannuation age. However, the bank requires persons of complete honesty because they deal with other persons money. But seeing that there is no financial loss and other people were also involved, I am of the opinion that the ends of justice would be met if he is paid six months full salary as he drew for the month of October, 1998 that is the salary for the month of October, 1998 shall be multiplied with six and the amount will be paid to the Petitioner without any interest within 30 days from the publication of this award and if the same is not paid within 30 days from the publication of this award then interest from the said date has to be calculated as 9% per annum and the award is passed as follows: "The action of the management of Syndicate Bank, Zonal Office, Hyderabad in dismissing the service of Sri R. Rama Mohan Rao, Ex-Clerk is justified. The workman is entitled to six months pay of the last pay drawn.

Award passed accordingly. Transmit.

Dictated to Kum. K. Phani Gowri, Personal Assistant transcribed by her corrected and pronounced by me on this the 29th day of April, 2003.

E. ISMAIL, Presiding Officer

Appendix of evidence

Witnesses examined for the Petitioner :	Witnesses examined for the Respondent :
NIL	NIL

Documents marked for the Petitioner

NIL

Documents marked for the Respondent

Ex. M 1: Copy of Extract of Register of attendance of the staff at Anigandlapadu for Oct'92

Ex.M 2 : Copy of extract of withdrawl slips issued register
Ex.M 3 : Copy of extract of cash scroll on 7.10.92
Ex.M 4 : Extract of cash balances as on 7. 10.92
Ex.M 5 : Extract of withdrawl slips issued register
Ex.M 6 : Extract of particulars of work attended by the Petitioner on 7.10.92
Ex.M 7 : Copy of lr. No.3349: ANP: INSP : 4/96 dt.12.1.96
Ex.M 8 : Extract of current A/c i.r.o,; Sri Ch. Nageswara Rao
Ex.M 9 : Extract of Day book/Sub-Day Book
Ex.M 10 : Extract of General Ledger
Ex.M 11 : Extract of General Ledger
Ex.M 12 : Extract of Bank Scroll
Ex.M 13 : Extract of IOD Ledger sheet
Ex.M 14 : Extract of General Ledger
Ex.M 15 : Extract of Inspection Ledger
Ex.M 16 : Extract of page 59 of D-131
Ex.M 17 : Extract of Current A/c with Syndicate Bank, Anigandlapadu
Ex.M 18 : Extract of Current A/c with Syndicate Bank, Anigandlapadu.

नई दिल्ली, 17 जून, 2003

का० आ० 1945.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार साऊथ सेन्ट्रल रेलवे के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण हैदराबाद के पंचाट (संदर्भ संख्या एलसीआईडी-5/2002) को प्रकाशित करती है, जो केन्द्रीय सरकार को 16-6-2003 को प्राप्त हुआ था।

[सं. एल-41014/2/2003-आई०आर० (बी-I)]
अजय कुमार, डैस्क अधिकारी

New Delhi, the 17th June, 2003

S. O. 1945. —In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (L. C. I. D. No. 5/2002) of the Central Government Industrial Tribunal/ Labour Court, Hyderabad now as shown in the Annexure, in the industrial dispute between the Employers in relation to the management of South Central Railway and their workman, which was received by the Central Government on 16-06-2003.

[No. L-41014/02/2003-IR(B-I)]
AJAY KUMAR, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM- LABOUR COURT AT HYDERABAD

PRESENT :

SHRI E. ISMAIL, B. SC., LL. B., Presiding Officer

Dated the 29th day of April, 2003

Industrial Dispute L.C. I. D. No. 5/2002

BETWEEN:

Sri Jupally Dasha rath,
S/o Late Ramaswamy,

R/o Anajpuram, Bhongir Mandal,
Nalgonda District. ... Petitioner

AND

1. The Divisional Railway Manager (Personnel),
South Central Railway,
Hyderabad Division,
Secunderabad.
2. The Chief Personnel Officer (E),
South Central Railway,
Hyderabad Division,
Secunderabad.

APPEARANCES:

For the Petitioner : M/s.V.R. Balachary, T. V. Rajeevan & G. J. Reddy, Advocates
For the Respondent : Sri G. Vishwanatham, Advocate

AWARD

This is a case taken under Sec. 2 A (2) of the I. D. Act, 1947 in view of the judgment of the Hon'ble High Court of Andhra Pradesh reported in W. P. No. 8395 of 1989 dated 3-8-1995 between Sri U. Chinnappa and M/s. Cotton Corporation of India and two others.

2. The brief facts as stated in the petition are : That the Petitioner was appointed by the 2nd Respondent as a substitute Bunglow Peon on regular pay-scale with effect from 16-2-1994, vide office order No. P/E/22/84 dated 17-2-1994 and he was attached to the DE/Secunderabad. The Petitioner worked under the Chief Engineer continuously for a period of 18 months. His services were discontinued by the 2nd Respondent in September, 1995. Thereafter he was absolved in service in the same post, vide office order of Rl through Order No. YP/Engg/416/Cl-IV/Office Peons, dated 27-11-1996 (S. O. O. No. 19/E/11/ Group 'D'). He was attached to Mr. M. Ravindranath Reddy, Sr. DEN/South/HYB and worked continuously for 2 ½ years. Later in June, 1999 Mr. Ravindranath Reddy was transferred to Guntakal. Since Petitioner worked for 240 days continuously Mr. Ravindranath Reddy wrote a letter stating that since the Petitioner worked as substitute Bunglow Peon for more than 2 ½ years, the Petitioner may be considered for posting to any of the officers at Secunderabad or elsewhere in the South Central Railway. Further, the Dy. Chief Engineer/EWS/LGD, Engineering Workshop, Lalaguda has also issued letter NO. W/P. 640 dated 10.-7-1999 stating that the Petitioner may be attached to any of the Officers at Secunderabad, to that effect Petitioner submitted a representation on 19-7-99. Petitioner pursued the matter continuously but to no avail. Having vexed with the Respondent's attitude Petitioner filed O. A. No. 1797/2000 before the Hon'ble Central Administrative Tribunal which was disposed by an order dated 15-12-2000 thereby directing the Petitioner to approach Rl with a representation seeking a placement. The Tribunal further directed the Respondent No. 1 to consider the Petitioner's representation. Accordingly, he submitted a detailed representation to Respondent No. 1 on 19-2-2001. After receipt of representation from the Petitioner the Respondent No. 1 has issued a letter dated 30-5-2001 stating that, "at present there are no vacancies in the category of Bunglow Peon or casual labour, hence your case for re-engagement cannot be considered". Respondent No. 1 issued the above letter not considering his 4 years service and also without paying one month's notice pay. He further submitted that the Respondent No. 1 has kept the Petitioner out of employment for a considerable period and finally issued the letter dated 30-5-2001, result of which is that he became unemployed and he could not secure any alternative employment in spite of his efforts as being over-aged. Hence, he prays to set aside the Order passed by the Respondent No. 1 vide letter No. YP/Engg/416/Cl. IV/Office Peon/Vol. III, dated 30-5-2001 and direct the Respondent No. 1 to reinstate the Petitioner into service with continuity of service and all attendant benefits including full back wages.

3. A counter was filed stating that the Petitioner was appointed as substitute Bunglow Peon on 27-11-1996 by the Respondent No. 1 and No. 2 vide office order dated 27-11-1996. Earlier he was appointed as Bunglow Peon on 16-2-1994 and his services terminated on 6-11-95. Initially he was appointed as Bunglow Peon to the then Senior Divisional Engineer/South, Hyderabad Division later on the said officer was transferred as Dy. Chief Engineer, Workshop, Lalaguda and the Petitioner was also transferred along with him vide letter dated 26-8-1997. Further due to administrative grounds the Petitioner's service was terminated on 1-7-1999 vide CPO/SC Lr. No. P(E)677/B. Peon/10 dated 26-7-2000. Though two officers recommended under humanitarian grounds, does not hold any right in favour of the Petitioner. Serious consideration was given to the representation of the Petitioner made as per OA No. 1797/2000. It is noticed that Petitioner's services warranted before completion of three years due to change of Officer to whom he has been attached and there was no sanction of Bunglow Peon where the concerned officer transferred that is Guntakal. He worked only for two years, seven months and three days and not more than four years. It is not possible to consider his case as he has not completed three years of substitute Bunglow Peon service. Hence, the petition may be dismissed.

4. The Petitioner examined himself as WW1 and deposed that he worked under Railway Department. He was appointed as a substitute Bunglow Peon on regular pay scales on 27-2-94. Ex. W1 is the order dated 17-2-94. His services were discontinued and given a break with effect from September, 1995. The Respondent No. 2 issued orders after conducting medical examination. Again he was taken into service vide Ex. W2 dated 27-11-1996. That he worked under Mr. Ravindranath Reddy for 2 ½ years continuously. Ex. W3 is the letter issued by Secretary, Railway Medical Department. Ex. W4 is medical certificate. Ex. W5 is the statement of PF recovery. Ex. W6 is the letter issued by Mr. Ravindranath Reddy to Dy. CE/EWS/LGD dated 5-7-99. Ex. W7 dated 12-7-99 issued by Dy. Chief Engg/LWS/LGD. Ex. W8 dated 30-5-2001 issued by DPO for Divisional Railway Manager. Ex. W9 is a pay slip for the month of November, 1996. Ex. W10 dated 15-12-2000 order copy of Hon'ble Central Administrative Tribunal.

Ex. W11 is representation of the Petitioner. Ex. W12 dated 9-7-99 is another representation of the Petitioner. As per Ex. W10 order he has given Ex. W 11 and Ex. W12 representations but the Respondent did not provide him employment. Hence he approached this Court for reinstatement.

5. In the cross examination he deposed that Ex. W2 appointment order bears clause 4 & 5 specifically mentioning that his service can be terminated and he will have no claim. He was transferred along with his officer. Later when his officer transferred to Guntakal, he also got transferred along with him. But, there were no vacancies of Bunglow Peon at Guntakal, then he was transferred back to Secunderabad Headquarters. Earlier in 1994 he worked for 18 months as Bunglow Peon under the then Chief Engineer. Again he was appointed as Bunglow Peon in 1996. At the time of first removal he did not approach Hon'ble C. A. T. or this Tribunal because he was assured orally for his continuance in service. Nature of work of Bunglow Peon is to attend to the domestic work of the concerned officer at the Bunglow. He could not say whether Ex. W7 and Ex. W8 are not binding on the Railway administration. His name will be found in Inward and Outward book. Besides Bunglow duty he used to attend office work also.

6. Sri Rathode Mohan, Personal Inspector, DRM(P), Hyderabad Division deposed as MW1. He deposed that he has been working in the said position from 11-8-1994. Ex. M1 dated 27-11-1996 is the order of appointment of the Petitioner as Bunglow Peon. As per clause 4 & 5 of Ex. M1, if the Bunglow Peon is not required by officer the Petitioner can be dismissed. Bunglow Peon job is purely for domestic work of the officer to whom he is attached. The Petitioner was transferred along with the officer with whom he was first appointed to workshop, Lalaguda vide Ex. M2. When the concerned Officer Sri Ravindranath Reddy was transferred to Guntakal Railway Station, Petitioner has also got transfer to Guntakal. But there the officer was not entitled to hold Bunglow Peon, as such Petitioner's services were terminated vide Ex. M3. dated 26-7-2000. Ex. M4 and Ex. M5 are the letters issued by executive officers and they may not be aware of the correct vacancy position of the Bunglow Peon. The Petitioner approached the Hon'ble C. A. T. vide Ex. M6. Ex. M7 is the letter by the Personal Officer advising the Petitioner that there was no vacancy in the category of Bunglow Peons. The appointment will be done with the approval of General Manager. The Petitioner earlier worked as Bunglow Peon during 1994-95. Later he was terminated and again he was appointed on 27-11-1996 vide Ex. M1. His name was kept in Live Register for the post of Bunglow Peon. He will be considered for the post of Bunglow Peon as and when vacancy arises.

7. In the cross examination he deposed that the counter was not signed by him. The Petitioner was appointed by R2 on time-scale as Bunglow Peon first time on 16-2-1994. He was examined medically before giving him job and found fit. It is not true to suggest that only those who are appointed on regular basis will be examined medically and others will not be. The Peon cannot be accommodated if there is no vacancy where his officer is transferred.

8. It is argued by the Learned Counsel for the Petitioner that the Petitioner was appointed as Bunglow Peon on 16-2-94 vide office order dated 17-2-94. He was attached to the Divisional Engineer, Secunderabad and the Petitioner worked under the Chief Engineer continuously for a period of 18 months without break. The second Respondent gave a break without any reason in the month of September, 1995 and he was kept out of employment for one year. It is admitted fact that the Petitioner's appointment was on regular basis and he was given regular pay scales. Accordingly he has worked for 547 days continuously. Without following Sec. 25-F he was kept out of employment for a period of 1½ years. That the first Respondent has issued an order dated 7-11-96 and he was attached to Divisional Engineer continuously for a period of 2-1/2 years. In the year 1999 Sri Ravindra Nath Reddy was transferred. Yet he was removed from service on 30. 5. 2001. He has worked for four years and he cannot be retrenched or removed without following Sec. 25-F. Further the Petitioner has filed petition before the Hon'ble C. A. T. and the Hon'ble C. A. T. was pleased to give a direction to consider the representation of the Petitioner but the Respondent did not consider. Hence, the present petition.

9. He further argues that the Respondent filed a counter admitting the services of the Petitioner rendered to the Railways and also not disputed the period he has worked but stated that his name is kept in live register whenever a vacancy arises the Petitioner be given a chance and the order of termination may be set aside and he may be reinstated. He relies on a Judgement of the Delhi Transport Corporation Vs. Presiding Officer and another. In that case their Lordships held that the decision of the Supreme Court in Sundara Money case, which has been followed for two decades and held that the order of termination of services of the workman amounts to retrenchment within the meaning of Sec. 2(oo) as the appointment has not complied with the provisions of Sec. 25-F of the I. D. Act, the order of termination is void ab initio and inoperative. The only question that now remains to be determined is the relief to be granted to the workman and directed payment of amount for the "Notional service of 22 years." So he submits that here also termination without following due process of law and without following Sec. 25. F of the I. D. Act is bad in law.

10. It is argued by the Learned Counsel for the Respondent that the Petitioner was appointed as substitute Bunglow Peon on 27-11-96 by the Respondent No. 1 and Respondent No. 2 vide office order No. 19/E/11/Group-'D' a copy of the same enclosed. It is true that he was appointed as Bunglow Peon on 16-12-94 and terminated his services on 6-11-95. Again he was terminated on 1-7-99 and the said termination is in accordance with the terms and conditions of engagement/retrenchment of substitute Bunglow Peon post. He approached the Hon'ble C. A. T. vide OA No. 1797/2001 wherein the Hon'ble C. A. T. ordered to consider the representation made by the Petitioner and they have been examined and they are marked here as annexures 6 and 7. The Petitioner's services warranted discontinuance before completion of 3 years due to change of officer to whom he has been attached. That the Petitioner

rendered only 2 years 7 months and 3 days and nor four years as mentioned by him and as already the Hon'ble C. A. T. has directed and the directions of the Hon'ble C. A. T. were complied with. Hence, the Petitioner is not entitled for any relief. He submits that Annexure 1 he has marked as Ex. M1 which is appointment order. Ex. M2 is the transfer of substitute Bunglow Peon along with the officer. Ex. M3 is the dismissal order from 1-7-99. Although the order is issued on 26-7-2000. Ex. M4 is the certificate given by Sri Ravindranath Reddy who was transferred. The place where he was transferred does not have any sanctioned post of Bunglow peon. That which is mentioned in Ex. M5. Ex. M6 is the order of the Hon'ble C. A. T. which was pleased to give only direction to consider his case. Ex. M7 states that as the Petitioner has approached the Hon'ble C. A. T. directly and no efforts have been made by him to ensure reengagement. He therefore submits that the Petitioner having approached the Hon'ble C. A. T. now cannot turn round and say that he will approach this Court and as the orders of the Hon'ble C. A. T. has already been complied with.

11. The Petitioner examined himself as WW1 and deposed to the said facts. Now we consider documents marked on behalf of the Petitioner and the Respondents. The Respondent documents have already been mentioned by the Learned Counsel for the Respondent during his arguments. Ex. W1 is the first appointment order dated 17-2-94. Ex. W2 is the same as that of Ex. M1, the second appointment order dated 27-11-96. Ex. W3 is the medical examination certificate. Ex. W4 is the receipt for fees paid for medical examination. Ex. W5 is subscription to Provident Fund. Ex. W6 is same as that of Ex. M4 which is recommendation letter of Sri Ravindranath Reddy. Ex. W7 is same as that of Ex. M5. Ex. W8 is consideration after Ex. M6 order and same as that of Ex. M7. Ex. W9 is the Provident Fund account slip. Ex. W10 is the Order of Hon'ble C. A. T. which is same as that of Ex. M8. Ex. W12 is his application to consider. Ex. W11 is his representation for consideration. Now, simple point is according to the appointment letter Ex. W2 dated 27-11-96 if he had completed 3 years of service he would have acquired regular status. He has not completed in his second term three years but only 2 years 7 months and 3 days. That 2 ½ years which is admitted by MW1 but also admitted that no notice or retrenchment compensation was paid to the Petitioner. Now, the question is whether Ex. W2 and Ex. M1 are same overrides Sec. 25. F of the I. D. Act. Sec. 25. F of the I. D. Act clearly lays down the condition of notice, retrenchment compensation etc. In fact, the sec. 25. F is a enabling provision to help the management in getting rid of unwanted and surplus staff. Here the appointment has been made as per rules and it is not a irregular appointment and I wonder whether the said agreement Ex. W2 or Ex. M1 overrides the provisions of the Sec. 25. F of the I. D. Act, 1947. The words start with Sec. 25. F as no workman employed in an industry so, there is exemption to override the provisions of the Law. The Petitioner for reasons best known to him approached the Hon'ble C. A. T. which has given a direction to consider the case, which was considered. It does not debar the Petitioner from approaching this Court. The Petitioner is aged about 35 years and the dismissal order is Ex-M3 where he was dismissed from 1-7-99. WW1 admits that his name is in Live Register and he would be called when need arises. He also agrees that the nature of duties of Bunglow Peon is to attend the domestic work of the concerned officer at the Bunglow. So it cannot be said that he tried a job he did not get because it is common knowledge that domestic help in big cities is as rare as is unpolluted air. So any little effort on his part would have been sufficient to get him some job or other. Suffice it to say that in my opinion Ex. W2 or Ex. M1, the conditions laid down will not override the provisions of the I. D. Act or Sec. 25. F of the I. D. Act which still holds the day. Therefore the Respondents are directed to give him a post of Temporary Bunglow Peon or Temporary Group 'D' service on or before 1st August, 2003 failing which he will be entitled to the last pay drawn every month from 1-8-2003.

Award passed accordingly. Transmit.

Dictated to Kum. K. Phani Gowri, Personal Assistant transcribed by her corrected and pronounced by me in the Open Court on this the 29th day of April, 2003.

E. ISMAIL Presiding Officer

Appendix of evidence

Witnesses examined for the Petitioner	Witnesses examined for the Respondent
WW1: Sri Jupally Dasarath	MW1: Sri Rathode Mohan

Documents marked for the Petitioner :

Ex. W1 : Copy of O. O. No. P(E)677/Peons/7 DT. 17-2-94.

Ex. W2 : Copy of S. O. O. No. 19/E/11/GROUP-'D'.

Ex. W3 : Copy of Ir. issued by Rly. Medical Deptt. dt. 26-11-96.

Ex. W4 : Copy of medical certificate dt. 25-11-96.

Ex. W5 : Copy of statement of PF recovery.

Ex. W6 : Copy of Ir. No. G/W. 536/Peons/W. IV dt. 5-7-99.

Ex. W7 : Copy of Ir. No. W/P. 640 dt. 10-7-99.

Ex. W8 : Copy of Ir. No. YP/Engg/4116 cl. IV/Office Peon/Vol. III dt. 30-5-2001.

Ex. W9 : Copy of pay slip for the month of November, 1996.

Ex. W10 : Copy of OA. No. 1797/2000 dt. 15-12-2000.

Ex. W11 : Copy of representation of the Petitioner dt. 19-2-2001.

Ex. W12 : Copy of representation of the Petitioner dt. 19-7-99.

Documents marked for the Respondent :

Ex. M1 : Copy of Ir. No. S. O. O. No. 19/E/11/ Group-'D' dt. 27-11-1996.

Ex. M2 : Copy of Ir. No. S. O. O. No. 27/E/8/Group-'D' dt. 26-8-97.

Ex. M3 : Copy of Ir. No P(E)677/B. Peon/10 dt. 26-7-2000

Ex. M4 : Copy of Ir. No. G/W. 536/Peons/W. IV dt. 5-7-99.

Ex. M5 : Copy of Ir. No. W/P. 640 dt. 10-7-99.

Ex. M6 : Copy of O. A. No. 1797/2000 dt. 15-12-2000.

Ex. M7 : Copy of Ir. No. YP/Engg/416 cl. IV/Office Peon/ Vol. III dt. 30-5-2001.

नई दिल्ली, 17 जून, 2003

का० आ० 1946.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार स्टेट बैंक आफ इंडिया के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण कानपुर के पंचाट (संदर्भ संख्या आईडी-179/97) को प्रकाशित करती है, जो केन्द्रीय सरकार को 16-6-2003 को प्राप्त हुआ था।

[सं. एल-12012/143/96-आई०आर० (बी-I)]
अजय कुमार, डैस्क अधिकारी

New Delhi, the 17th June, 2003

S.O. 1946.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (I.D. No. 179/97) of the Central Government Industrial Tribunal/ Labour Court, Kanpur now as shown in the Annexure, in the industrial dispute between the employers in relation to the management of State Bank of India and their workman which was, received by the Central Government on 16-06-2003.

[No. L-12012/143/96-IR(B-I)]
AJAY KUMAR, Desk Officer

ANNEXURE

BEFORE SRI SURESH CHANDRA PRESIDING OFFICER CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT SARVODAYA NAGAR, KANPUR, U.P.

Industrial Dispute No. 179 of 97

In the matter of dispute between Rajveer Son of Sri Ram Pratap Alampur. Zafarabad Bareilly.

AND

The Branch Manager,
State Bank of India
Qutubkhana Bareilly.

AWARD

1. Central Government, Ministry of Labour, New Delhi, vide its notification No. L-12012/143/96-IR (B-I) dt. 28-8-97, has referred the following dispute for adjudication to this Tribunal—

> "Whether the action of the management of State Bank of India in terminating the services of Sri Rajveer Singh S/o Ram Pratap Ex-temporary Messenger w.e.f. 3-7-92 is just fair and Legal ? If not to what relief he is entitled to and from what date?"

2. Having been referred the above reference by Government of India, Ministry of Labour, New Delhi, a statement of claim before the tribunal on 24-12-97 was filed by the workman claiming that he was appointed as temporary messenger at the branch of opposite party State Bank of India at Qutubkhana Region- I District Bareilly on 6-4-92 on a pay of Rs. 815/- plus allowances. workman worked all through to the entire satisfaction of the management and no occasion for any sort of annoyance or complaint was ever raised by the management. The workman continued in service upto 2-7-92 without any break against the post of peon cum messenger which is of a permanent nature. The above mentioned branch is a big branch having six or seven permanent post of peon cum messenger but the management employed only four persons against the permanent vacancies and left two posts vacant and against one of them the workman worked. Despite existence of vacancy management ceased the workman from working on permanent post and appointed Arvind Kumar and Momin which is fully covered under definition of Unfair Labour Practice and thus the management has breached the provisions of Section 25H of Industrial Disputes Act, 1947. At the time of appointment the workman was registered with the Local Employment Exchange and the management appointed the workman after test and interview and also directed to deposit the card of employment exchange and other educational certificate etc. The workman was appointed on full pay and allowance against the permanent post of peon cum messenger. The services of the workman made neither permanent nor regulated. This action of the management is clearly an act of Unfair Labour Practice. At the time of appointment of the workman he was fully assured by the management that he is being appointed against the permanent vacancy and that his services will be made permanent later on but the management not acting upon the assurance given to the workman wrongly and illegally terminated the services of the workman. Appointing new persons on the post of the workman is also an unfair labour practice. The workman was never given any notice of termination nor was informed about his termination and the management has not given him the required retrenchment compensation etc. at the time of retrenchment and has also not followed the Bipartite Settlement. Hence the claim praying that the workman be reinstated with all back wages on his post and other relief if any be also granted to him.

3. The claim of the workman was contested on behalf of the management. A wrriten statement was filed denying the stand taken by the workman. The case of the management, on the other hand, is that the appointment of the workman was only casual/adhoc appointment for the seasonal need to supply water with effect from 6-4-92 for 89 days in summer season. The claimant has no right to the post and the claim under the petition is covered under the provisions of Section 2 (oo) (bb) of the Industrial Disputes Act, 1947 and the disengagement of the workman is not a retrenchment and the claimant has thus no right to the post or retrenchment benefits. It is further alleged by the management that the branch manager has no right or authority to make regular appointment and such appointment is made by a board constituted by the bank management. It is also alleged that the claimant was alone temporary messenger at the material time in the branch. The appointment so made by the branch manager cannot amount to unfair labour practice, the workman cannot force the bank to appoint him against permanent vacancies. It is the prarogative of the bank to decide about the strength and expenditure and the claim of the workman not maintainable at all and the reference is bad in law.

The claimant was engaged at the post of messenger cum water boy. The reference of termination from the post of messenger renders the reference also bad in law.

4. The claim of the workman was also contested, interalia, on other various grounds. It has been alleged by the bank that the claimant was engaged to fulfil the seasonal need for a fixed period. His temporary appointment came to an end by efflux of time after the summer season was over. The period of service rendered by the workman is not disputed by the management. The claimant was engaged for a specific period and for specific work. Thus claimant's service automatically stood terminated by efflux of time.The claimant has no right to the post. Even if there existed permanent vacancy in the branch it is the prerogative of the bank to appoint a permanent employee against such permanent post. The claim of the workman is false baseless and misconceived. The case of the workman is not covered under the case of termination or retrenchment. Hence it was not obligatory for the management bank to inform the claimant about the reasons of termination nor any rule, regulations, instructions or settlement compels the management to advice workman reasons on his termination. There is no rule which could permit a temporary employee to be converted as permanent employee without going through the proper procedure and regulations of appointment. The allegations on unfair labour practice were denied by the management and the allegations of violations of provisions of section 25 H of I. D. Act has been alleged to be beyond the scope of reference. The present claim of the workman is not covered under the definition of retrenchment. The claim of the workman under section 2-A of the Act is not maintainable and is liable to be dismissed.

5. Parties were given opportunity to file oral as well as documentary evidence. The workman examined himself in support of his claim. On behalf of the management one Mr. Rajesh Chandra Vidyarthi Dy. Manager was examined to rebut the claim of the workman and to support the contention of the management. The workman also relied upon the documents filed by him per list dated 30-5-2000 Ext. W.1 to W.8. On behalf of the management no documentary evidence has been filed. On the instructions of the tribunal the management filed photocopy of circular dated Sept. 1971 in respect of temporary appointment.

6. Heard the parties in details and perused the evidence adduced by the parties.

7. It has been contended on behalf of the workman that the workman was appointed against the permanent nature of post and that the workman was never issued any appointment letter in writing on his appointment against the post. It is further contended that the workman was informed by the management on appointment that he is being appointed against a permanent vacancy. It is argued on behalf of the workman that this contention of the workman is fully proved by his oral testimony against which no evidence in rebuttal has been adduced by the bank. The witness examined on behalf of the management was not working with the alleged branch at the time of appointment of the workman as such the evidence adduced by the management is of no avail, and cannot be used either to support the contention of the management or to rebut the evidence adduced by the workman. The contention of the workman is fully supported by the irrebuttable statement given by the workman. The contention contrary to the stand of workman is that the workman was appointed for fixed period and for a specific work which came to an end automatically by efflux of time, when summer season was over. It is the case of the management that admittedly the workman was appointed as messenger cum water man for the specific period and purpose. There is nothing on record which may prove the contention of the management that the appointment of the workman was made for specific period of purpose. The management has not filed any document to prove nature of the appointment of the workman. On the contrary the oral testimony of the workman goes to prove that no appointment letter was issued to the workman on the date of his appointment. Thus in the absence of any other evidence on record the evidence of the concerned workman that he was appointed temporarily against vacancy of permanent nature cannot be ignoried or disbelieved. Having come to the conclusion that the appointment of the workman was made against a vacancy of permanent nature the provision of section 2 (oo) (bb) does not come into play and the action of the management in disengaging the services of the workman amounts to termination. Thus the contention of the management that the reference is not maintainable or has no legs to stand is rejected.

8. It is further contended by the workman that once it is held that the retrenchment of the workman was made not in compliance with the provisions of law it amounts illegal and invalid retrenchment and the provisions of Sections 25F, 25G and 25H of the Industrial Disputes Act will come into play and if those provisions have not been followed by the employer management the termination of workman will amount to an invalid retrenchment.

9. It is admitted case of the parties that the workman was not served with any notice nor paid any retrenchment compensation on his retrenchment by the employer. It is further proved by the evidence of the workman that another employee was posted on the post of workman which proves that the work was of permanent nature which continued even after termination of the services of the workman. It is also proved from the evidence on record that before appointment of another person on the post retrenched no notice to the workman was given to offer him for reemployment. The contention of the management on the contrary is that no such notice is required to be given as the workman was initially appointed on a temporary basis. The contention of the management is not acceptable. The law does not create any distinction between temporary or permanent employee under the Rule 77 and 78 of I. D. (Central) Rules, 1957. In a case of

retrenchment before a vacancy is to be filled by the employer, it is obligatory on the employer to give notice to the workman to offer himself for reemployment. From a perusal of rule 78 referred to above it is clear that in the case of retrenchment the management was under legal obligation to give notice to the workman before the vacancies were filled to offer him for reemployment. This rule does not create any distinction between temporary employment or permanent employment. The argument led by the workman finds support from the law laid down by Hon'ble High Court of Allahabad in FLR 1997 (76) page 393 Oriental Bank of Commerce *versus* Union of India & Others. It is proved from the evidence of the workman that two other appointments were made subsequent to the termination of workman and no opportunity to the workman concerned was given. There is no evidence to rebut the contention and the evidence adduced by the workman on record. Thus it can safely be held that new hands were recruited in place of workman and that the workman was never afforded an opportunity to appoint for his re-employment which resulted breach of Section 25 H of Industrial Disputes Act. The termination of the workman is, therefore, bad in law. It is not the case of the management that the workman was ever afforeded an opportunity for his re-employment before a fresh appointment was made after retrenchment of the workman. In the circumstances the breach of Section 25H of I. D. Act has been fully established and the workman is, therefore, entitled for the relief claimed as the retrenchment of the workman has already been held to be illegal and bad in law.

10. The management has placed reliance on the law reported in 1992 Lab IC page 847 of Hon'ble Supreme Court of India in the case of Delhi development Horticulture Employees Union *versus* Delhi Administration. Delhi and others. The facts of the case cited above are entirely different from the facts of the present case. In the case before the Hon'ble Supreme Court cited above the matter related to the workers who were engaged under Jawahar Lal Nehru Rojgar Yojana to provide income for those who are below the poverty line and particular during the periods when they are without source of livelihood. The scheme was meant for the rural poor. The object of the scheme was to start tackling the problem of poverty. The object was not to provide the right to work as such even to the rural poor workman. The facts of the case in hand are otherwise. The law cited and relied upon by the management is of no help to them and is not applicable on the facts of the present case.

11. Another case law relied on by the management cited as 1992 Lab IC page 2055 Director Institute of Management Development *versus* Smt. Pushpa Srivastava wherein it has been held that the appointment being temporary and adhoc basis and contractual which autonetically came to an end by efflux of time and persons holding such post has no right to continue on the post. The law laid down above is also not applicable on the facts of the present case as it is not the case of the management that the appointment was made on adhoc basis nor it is proved by any evidence whatsoever that the appointment of the workman was made by the management on adhoc basis or on contract basis for a fixed period. It may be reiterated that no appointment letter was issued to the workman by the management at the time of appointment nor the bank has filed any such appointment letter in evidence. Thus it cannot be said that the appointment of the workman was for a limited period or that it was on adhoc basis or against contract which came to an end by efflux of time. The contention of the management cannot be held good that the appointment of workman was for a limited period on the absence of any cogent evidence on record. Thus the law cited above is not applicable to the facts of the present case.

12. Another case law reported in 1997 Lab IC page 2075 Himanashu Kumar Vidyarthi *versus* State of Bihar & another has been relied on by the management contending that the termination of the services of the workman cannot be construed as retrenchment as the appointment of the workman was made on the basis of need of work. It has been argued on behalf of the management that the workman was not appointed on the post in accordance with the rules but was engaged on the basis of need of the work. The facts of the law cited above reveal that the workman was employed as daily wager but in the case in hand, the workman was admittedly appointed on full pay and allowances. There is no evidence on record to support the contention of the management that the work was of temporary nature which came to an end with efflux of time. The workman was appointed against the post of messenger cum waterman. The evidence on record goes to prove that two persons appointed the same post on retrenchment of the workman. Therefore it cannot be accepted that the concept of retrenchment cannot be stretched to such an extend as to cover the case of the present case in the facts and circumstances of the case. The law cited above is also not applicable to the facts of the present case.

13. Lastly the management has also relied on the law reported in 2000 Lab IC Page 1969 of Delhi High Court in the case of Ajai Kumar and others *versus* Government of NCT New Delhi and others. The case cited above dealt with the expiry of the term in respect of daily wager for specific period without following the due process of law or selection. The facts of the present case are not identical to the facts of the case cited above, hence law relied upon by the management is not applicable on the facts of the present case.

14. Having come to the conclusion that the retrenchment of the workman was not valid in law the workman becomes entitled for the relief claimed by him.

15. The reference is answered in negative against the management holding that the action of the management bank in terminating the services of Sri Rajveer Singh is unfair and illegal. Consequently the workman is held entitled for reinstatement with back wages and all consequential benefits with continuity of service.

SURESH CHANDRA, Presiding Officer

नई दिल्ली, 17 जून, 2003

का. आ. 1947.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार सेन्ट्रल रेलवे, झांसी के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, जबलपुर के पंचाट (संदर्भ संख्या सीजीआईटी/एल सी/आर-204/96) को प्रकाशित करती है, जो केन्द्रीय सरकार को 16-6-2003 को प्राप्त हुआ था।

[सं. एल-41012/80/91-आई.आर. (बी-I)]
अजय कुमार, डैस्क अधिकारी

New Delhi, the 17th June, 2003

S.O. 1947.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Case No. CGIT/LC/R/204/96) of the Central Government Industrial Tribunal-cum-Labour Court, Jabalpur now as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Central Railway, Jhansi and their workman, which was received by the Central Government on 16-06-2003.

[No. L-41012/80/91-IR(B-I)]
AJAY KUMAR, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT
JABALPUR

Case No. CGIT/LC/R/204/96

Presiding Officer, SHRI R.K. DUBEY

The Divisional Railway Manager,
Central Railway,
Jhansi.

Canteen Superintendent,
Central Railway,
Gwalior. ..... Non-Applicant

Versus

Shri Vijay Kumar Lukas,
Panchsheel Nagar,
Sabda Pratap Ashram,
Jail Road,
Gwalior (MP) ..... Applicant

AWARD

Passed on this 9th day of June, 2003

1. The Government of India, Ministry of Labour by Order No. L-41012/80/91/IR-B. I dated 6-11-96 has referred the following dispute for adjudication by this tribunal :—

"Whether the action of the management of Divisional Railway Manager, Central Railway, Jhansi in terminating the services of Shri Vijay Lukas is legal and justified? If not, to what relief the workman is entitled?"

2. After receiving of the reference by the Central Labour Ministry, notices to appear before the tribunal issued to both the parties. Due to their absence another notice was sent to them by registered Ad which is last chance but neither the workman nor the employment appeared before the tribunal.

3. Therefore it seems that both the parties are not willing to try the case before the tribunal. Therefore in this circumstances and without evidence it is not possible in this tribunal to declare the action of the management in terminating the services of the workman Mr. Vijay Lukas is illegal. Without the evidence of both the parties, the action of the management appears to be legal and perfectly justified. Therefore the reference given by the Ministry is answered as the action taken by the DRM, Central Railway Jhansi is legal and perfectly justified.

4. Copy of the award be sent to the Ministry of Labour, Govt. of India as per rules.

R.K. DUBEY, Presiding Officer

नई दिल्ली, 17 जून, 2003

का. आ. 1948.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार स्टेट बैंक ऑफ इंडिया के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में औद्योगिक अधिकरण, अजमेर के पंचाट (संदर्भ संख्या सीआईटीआर-14/99) को प्रकाशित करती है, जो केन्द्रीय सरकार को 16-6-2003 को प्राप्त हुआ था।

[सं. एल-12012/76/99-आई.आर. (बी-I)]
अजय कुमार, डैस्क अधिकारी

New Delhi, the 17th June, 2003

S.O. 1948.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. CITR-14/99) of the Central Government Industrial Tribunal, Ajmer now as shown in the Annexure, in the industrial dispute between the employers in relation to the management of State Bank of India and their workman, which was received by the Central Government on 16-06-2003.

[No. L-12012/76/99-IR(B-I)]
AJAY KUMAR, Desk Officer

अनुबंध

न्यायालय श्रम एवं औद्योगिक न्यायाधिकरण,
अजमेर (राज.)

पीठासीन अधिकारी : अतुल कुमार जैन,
आरएचजेएस

रेफरेंस सी.आई.टी.आर. 14/99

(रेफरेंस नं० एल-12012/76/99/आईआर-बी-1 दि० 15-6-99)

ज्वाईल मार्टिन पुत्र श्री एस.बी. बेप्टिस्ट उम्र-40 वर्ष पेशा-स्टेट बैंक ऑफ इंडिया शाखा नसीराबाद सेवामुक्त लिपिक/टाईपिस्ट

....प्रार्थी/श्रमिक

विरुद्ध

1. डिप्टी जनरल मैनेजर

2. असिस्टेंट जनरल मैनेजर

स्टेट बैंक ऑफ इंडिया,
जयपुर जोनल ऑफिस, 5,
नेहरू प्लेस, टोंक रोड, जयपुर

.....विपक्षी/नियोजक

उपस्थित : श्री एस.के. पाटनी, यूनियन प्रतिनिधि, श्रमिक की ओर से।

श्री एस.के. शर्मा, नियोजक के प्रतिनिधि।

दिनांक : 31-5-2003

अवार्ड

इस प्रकरण में केंद्र सरकार द्वारा भेजा गया रेफरेंस निम्न प्रकार था :—

"क्या दि. 23-4-98 से श्री ज्वाईल मार्टिन भूतपूर्व असिस्टेंट (अकाउंटेंट/टाईपिस्ट) का स्टेट बैंक ऑफ इंडिया, जयपुर द्वारा किया गया टर्मिनेशन वैध एवं न्यायोचित है ? यदि नहीं तो श्रमिक किस अनुतोष को प्राप्त करने का अधिकारी है ?"

रेफरेंस के क्रम में ज्वाईल मार्टिन ने दिनांक 7-8-99 को अपना स्टेटमेंट ऑफ क्लेम हमारी न्यायालय में पेश किया था। स्टेटमेंट ऑफ क्लेम के साथ प्रार्थी ने तेरह फोटो कॉपी दस्तावेजात् भी पेश किये गये थे। स्टेट बैंक ऑफ इंडिया द्वारा दि. 13-10-99 को क्लेम का जवाब पेश किया गया था। प्रार्थी ने अपने जवाबुल जवाब दिनांक 14-3-2000 को पेश किया था।

दिनांक 10-5-2002 के आदेश के द्वारा मेरे पूर्वाधिकारी श्री राजेंद्र सिंह राठौड़, आर.एच.जे.एस. ने स्टेट बैंक ऑफ इंडिया द्वारा ज्वाईल मार्टिन के विरुद्ध की गयी डॉमैस्टिक जांच को अनफेयर करार दिया एवं तद्नुसार आरोप साबित करने के लिए स्टेट बैंक ऑफ इंडिया को न्यायालय में अपने गवाहों के शपथ पत्र पेश करने का अवसर दिया गया। आरोप साबित करने के लिए बैंक की ओर से श्री जी.पी. गोयल गवाह नं. 1, श्री के. एम. शर्मा गवाह नं. 2, श्री नरेंद्र भार्गव गवाह नं. 3, हरिसिंह गवाह नं. 4, गिरिराज लाल मीणा गवाह नं. 5, श्री मुकेश गर्ग गवाह नं. 6 तथा श्री जितेंद्र गवाह नं. 7 के शपथ पत्र की भांति पेश किये गये थे। उक्त सभी सातों गवाहों से श्रमिक पक्ष को जिरह का अवसर दिया गया है तथा उसने सभी सातों गवाहों से जिरह की है। श्रमिक पक्ष की ओर से केवल मात्र जवाईल मार्टिन का शपथ पत्र पेश हुआ था तथा उससे विपक्षी ने जिरह की है।

प्रकरण में हमारे समक्ष विचारणी बिंदु यह है कि क्या अपने गवाहों तथा अपने दस्तावेजी सबूत से विपक्षी स्टेट बैंक ऑफ इंडिया ने इस प्रकरण में प्रार्थी श्रमिक ज्वाईल मार्टिन के खिलाफ लगाये गये आरोप साबित कर दिये हैं एवं यदि हां तो क्या विपक्षी द्वारा दि. 23-4-98 से किया गया प्रार्थी का टर्मिनेशन उचित एवं वैध है एवं यदि नहीं तो प्रार्थी श्रमिक किस अनुतोष का अधिकारी है ?

प्रकरण में स्टेट बैंक ऑफ इंडिया की ओर से तेईस टाइपशुदा प्रश्नों की तथा प्रार्थी श्रमिक की ओर से आठ छपे हुए पृष्ठों की लिखित बहस पेश हुई है। मैंने उभयपक्ष की मौखिक बहस सुनी है। उनकी लिखित बहस का भी मैंने अवलोकन किया है। पत्रावली में पेश किये गये मौखिक साक्ष्य एवं दस्तावेजी सबूतों का भी मैंने अवलोकन किया है। आरोपों पर मेरा साक्ष्य विवेचन निम्न प्रकार है :—

आरोप संख्या-1:-ज्वाईल मार्टिन पर पहला आरोप यह था कि उसने हरिसिंह यादव के एस.बी.अकाउंट नं. 15/1776 में जमा कराने के लिए उसने 2750/-रु. प्राप्त किये तथा उसने उसके खाते में उक्त रकम जमा नहीं करायी। प्रार्थी ने अपने शपथ पत्र में या अपनी जिरह में कहीं भी यह बयान नहीं किया है कि उसने उक्त हरिसिंह यादव से उक्त खाते में जमा कराने के लिए उक्त प्रकार से उक्त रकम प्राप्त नहीं की हो। विपक्षी के गवाह नं. 4 हरिसिंह ने अपने बयानों में स्पष्ट लिखाया है कि उसने अपने खाते में जमा करवाने के लिए एस. बी. आई. के लिपिक ज्वाईल मार्टिन को 21-4-94 को 2750/-रु. दिये थे। उक्त गवाह से ज्वाईल मार्टिन ने ऐसी कोई जिरह नहीं की है कि उसने ज्वाईल मार्टिन से उक्त वर्णित प्रकार से 2750/-रु. नहीं दिये हों। हरिसिंह गवाह ने अपने कथन के समर्थन में अपनी पासबुक की फोटो कॉपी भी पेश की है। हरिसिंह से 2750/-रु. लेकर ज्वाईल मार्टिन ने उसके पासबुक में अपने हस्ताक्षरों से इंद्राज कर रखा है लेकिन बैंक के खाते में यह इंद्राज उसके द्वारा नहीं चढ़ाया गया है। अपने स्टेटमेंट ऑफ क्लेम में ज्वाईल मार्टिन ने कहीं भी अंकित नहीं किया है कि हरिसिंह से उसने उक्त वर्णित प्रकार से रु. नहीं लिये हों अथवा हरिसिंह की पासबुक में उक्त रकम नहीं किया हो। उसने क्लेम में यह भी लिखाया है कि उसने उक्त रकम बैंक के खातों में नियमानुसार चढ़ा दिया हो। ज्वाईल मार्टिन के हलफनामें में भी इस संबंध में एक शब्द भी अंकित नहीं जाहिर है कि पहले आरोप के बारे में ज्वाईल मार्टिन पूरी तरह लाजवाब (जवाबविहीन) है बैंक के सभी सात गवाहों ने प्रथम आरोप को साबित करने में विपक्षी के अभिवचनों की पूरी तरह तस्दीक की है।

आरोप संख्या-2 :-ज्वाईल मार्टिन पर दूसरा आरोप यह है कि उसने हरिसिंह यादव के एस.बी. अकाउंट नं. 15/1776 में जमा कराने के लिए उससे 16-7-94 को दो हजार रु. प्राप्त किये तथा उसने उसके खाते में उक्त रकम जमा नहीं करवायी। इस आरोप के बारे में भी उभयपक्ष की साक्ष्य की विवेचन पूरी तरह वही है जो हमने आरोप संख्या-1 के बारे में पूर्व में किया है। उक्त विवेचन को यहां पर दोहराना मैं उचित व आवश्यक नहीं समझता हूं इस प्रकार यह आरोप भी पूरी तरह ज्वाईल मार्टिन के विरुद्ध सही साबित होता है।

आरोप संख्या-3 :—ज्वाईल मार्टिन पर तीसरा आरोप यह था कि उसने हरिसिंह यादव के एस.बी. अकाउन्ट नं. 15/1776 में 21-4-94

को 2750/-रु. की जमा की तथा 16-7-94 को दो हजार रु. की जमा की मिथ्या प्रविष्टि करतें हुए 21-4-94 को उसके खाते का बेलेंस अनुचित रूप से 2979.70 पै. तथा 16-7-94 को उसके खाते का बेलेंस 3979.70 पै. बतला दिया जबकि संबंधित लैजर शीट इसके खिलाफ बोल रही थी. आरोप संख्या-1 के लिए मेरे द्वारा साक्ष्य में जो विवेचन किया गया है तथा जिसे आरोप संख्या-2 के लिए भी पूर्व में पढ़ा गया है वह समूचा साक्ष्य विवेचन आरोप संख्या 3 के लिए भी यथावत पठनीय है। गवाह हरिसिंह ने अपने बयानों के समय खुद के खाते की पासबुक की फोटो कॉपी न्यायालय में पेश की है। ज्वाईल मार्टिन जिरह में गवाह हरिसिंह को यह सुझाव नहीं दे सका है कि देखिये उक्त इंद्राज उक्त लघु हस्ताक्षर उक्त पासबुक में ज्वाईल मार्टिन के हाथ के नहीं हैं। ज्वाईल मार्टिन द्वारा गवाह हरिसिंह से उक्त प्रश्न नहीं पूछे जाना इस तथ्य को प्रमाणित करता है पासबुक के संबंधित इंद्राजात् एवं संबंधित लघु हस्ताक्षरों को ज्वाईल मार्टिन अस्वीकार नहीं कर सका है। ज्वाईल मार्टिन के पास इस संबंध में कोई बचाव उपलब्ध नहीं था। अत: गवाह हरिसिंह से जिरह में ज्वाईल मार्टिन कोई बचाव कहानी भी नहीं सुझा सका है। इस प्रकार आरोप संख्या-3 भी ज्वाईल मार्टिन के खिलाफ भली प्रकार सही साबित होता है। इस आरोप के संदर्भ में गवाह गिरिराज लाल मीणा का अखंडित शपथ पत्र भी ज्वाईल मार्टिन के खिलाफ एक ठोस साक्ष्य है।

आरोप संख्या-4 :-ज्वाईल मार्टिन के खिलाफ लगाया गया चौथा आरोप इस प्रकार था कि उसने हरिसिंह यादव के एस .बी. अकाउंट नं. 15/1776 का पांच हजार रु. का विड्रावल दि. 13-5-95 को लेकर उसने लेजर पोस्टिंग के लिए तथा टोकन जारी करने के लिए अपने लघु हस्ताक्षर तो कर दिये लेकिन उसका लेजर में इंद्राज नहीं किया। इस आरोप के संदर्भ में भी पूर्व के आरोपों में विवेचित की गयी साक्ष्य यथावत ज्वाईल मार्टिन के खिलाफ पढ़ी जा सकती है। विपक्षी के गवाह नं. 4 हरिसिंह यादव ने अपने शपथप पत्र के पैरा नं. 5 में स्पष्ट लिखाया है कि उसने विड्रावल फार्म भुगतान प्राप्त करने के ज्वाईल मार्टिन को दिया तो दि. 13-6-95 को ज्वाईल मार्टिन ने विड्रावल फार्म उससे लेकर पासबुक में उसका इंद्राज किये बगैर तथा उसने टोकन दिये बगैर सीधे ही पांच हजार रुपये अदा कर दिये । जिरह में इस गवाह ने स्वीकार किया है कि ज्वाईल मार्टिन ने पांच हजार रुपये की उसकी पासबुक में एंट्री कर दी थी । इस संबंध में विपक्षी के गवाह नं. 5 गिरिराज लाल मीणा तत्कालीन प्रबंधक एस.बी.आई नसीराबाद का शपथपत्र भी महत्वपूर्ण साक्ष्य है। यह गवाह कहता है कि घटना के समय ज्वाईल मार्टिन बैंक की उक्त शाखा में लिपिक-रोकड़िया पद पर कार्यरत थे। इस गवाह ने अपने शपथ पत्र में बताया है कि प्रदर्श एम-ए-7 में तथा प्रदर्श एम-ए-8 में जोड़ में 3469.30 पैसे का अंतर आ रहा था. इस गवाह का कहना है कि उक्त गलती का कारण यह था कि खाता सं. 1306, 2185 तथा 2660 का बैलेंस गलत लिखा हुआ था एवं जो जोड़ एन ए-3, 4, 5 तथा 6 का प्रदर्श एन ए-7 में लिया गया था, वह भी गलत था और प्रोग्रेसिव बैलेंस बुक से मिला दिया गया था। गवाह श्री गिरिराज लाल मीणा ने शपथ पत्र में आगे लिखाया है कि ज्वाईल मार्टिन ने उक्त समस्त हेरा-फेरी 3469.30 पैसे के फर्क को मिलाने के लिए अनुचित रूप से की थी। उक्त गवाह ने अपने शपथ पत्र में आगे लिखाया है कि हरिसिंह यादव के बचत खाता सं.15/1776 की शीट पहले नहीं मिल रही थी और फिर 16-4-96 को वह लेजरशीट मुड़ी हुई हालत में ज्वाईल मार्टिन ने उसे यह कहते हुए दी कि वह उसे वहीं पड़ी हुई मिली है। गवाह कहता है कि इस पर उसने उक्त लेजर शीट तत्कालीन शाखा प्रबंधक श्री नरेंद्र भार्गव को दे दी थी. गवाह श्री मीणा ने आगे लिखाया है कि हरिसिंह के नाम पांच हजार रुपये नामे लिखे जाकर काटा जाना पाया गया था। गवाह का कहना है कि लेजर शीट नहीं मिलने से विड्रावल इंद्राज को डे-बुक से मिलान नहीं किया जा सकता था और ज्वाईल मार्टिन उक्त प्रक्रिया में समझता था इसलिए उसने हरिसिंह यादव के खाते में से लेजर शीट पहले निकालकर गायब कर दी थी और बाद में झूठे बहाने के साथ पेश कर दी थी जिरह में गवाह श्री गिरिराज मीणा अपने शपथ पत्र से तनिक भी विचलित नहीं हुए है। इस प्रकार गवाह श्री मीणा के बयानों पर विश्वास नहीं करने का कोई कारण हमारे समक्ष नहीं है।

विपक्षी के गवाह नं. 6 मुकेश गर्ग तत्कालीन वरिष्ठ लिपिक एस.बी.आई. शाखा नसीराबाद का बयान है कि विड्रावल फार्म पर ज्वाईल मार्टिन ने अपने लघु हस्ताक्षर करके टोकन नंबर अंकित कर दिया था अत: उसने विड्रावल को नियमानुसार मानते हुए कर दिया था। इस गवाह ने विपक्षी द्वारा किये गये पुन: परीक्षण में बताया है कि लेजर शीट में प्रविष्टि नहीं करते हुए भी लेजर शीट में प्रविष्टि करने के प्रमाण स्वरूप अपने लघु हस्ताक्षर विड्रावल फार्म पर करके ज्वाईल मार्टिन ने पासिंग अधिकारी को गुमाराह करने का प्रयास करके बैंक के साथ विश्वासघात किया था। इस गवाह का कहना है कि पासिंग अधिकारी बार-बार लेजर नहीं देखता है तथा केवल संबंधित कर्मचारी के लघु हस्ताक्षर पर विश्वास करके विड्रावल फार्म को भुगतान के लिए पारित कर करते है। प्रार्थी पक्ष द्वारा की गयी जिरह में वह गवाह अपने उक्त कथन से विचलित नहीं हुआ है।

विपक्षी के गवाह नं. 7 जितेंद्र तत्कालीन लिपिक/रोकड़िया एस.बी.आई.शाखा, नसीराबाद का बयान है कि दिनांक 13-6-95 की डे-बुक में उसके द्वारा कोई काट-छांट नहीं की गयी थी. गवाह ने यह नहीं बताया कि उक्त काट-छांट किसने की थी. बैंक का आरोप है कि उक्त कांट-छांट ज्वाईल मार्टिन ने की होगी ज्वाईल मार्टिन ने बैंक के संदेह का निवारण करने के लिए अपनी ओर से कोई प्रयास नहीं किये हैं और गवाह जितेंद्र से इस बारे में ज्वाईल मार्टिन ने कोई प्रश्न नहीं पूछा है।

गवाह हरिसिंह यादव ने अपने बयानों में बताया है कि ज्वाईल मार्टिन उससे बैंक में खाते में जमा कराने के लिए पैसे लेता रहता था तथा विड्रावल फार्म पर पैसे उसे लौटा भी देता था परंतु संभवत: बैंक के खातों में उक्त अदायगी व विड्रावल का ज्वाईल मार्टिन इंद्राज नहीं करता था। सरकारी बैंक की रकम का उक्त प्रकार से घपला किया जाना हरसिंह यादव के बयानों से ज्वाईल मार्टिन के खिलाफ भली-प्रकार साबित होता है।

विपक्षी के गवाह नं. 3 नरेंद्र भार्गव तत्कालीन शाखा प्रबंधक एस.बी.आई.नसीराबाद का बयान है कि जी.एल.मीणा द्वारा टोटल की जांच करने पर ज्वाईल मार्टिन द्वारा किये गये घपले का उन्हें पता लगा

था। यह गवाह कहता है कि 16-4-96 को हरिसिंह यादव को बचत खाता सं.15/1776 की खोई हुई लेजर शीट गिरिराज मीणा ने उसे देते हुए बताया था कि उक्त चिट उसे फोल्ड की हुई ज्वाईल मार्टिन ने दी है। गवाह श्री नरेंद्र भार्गव का कहना है कि उक्त चिट को देखने से पता लगता था कि भुगतान रजिस्टर में हरीसिंह यादव को पांच हजार रुपये का भुगतान करना ज्वाईल मार्टिन ने दर्ज किया था जबकि उक्त विड्रावल का हवाला उक्त तारीख की उक्त लेजरशीट में नहीं था.यह गवाह कहता है कि जवाईल मार्टिन ने विड्रावल फार्म पर अपने लघु हस्ताक्षर करके भुगतान अधिकारी को गुमराह किया जिससे हरिसिंह यादव को बैंक के खातों में इंद्राज हुए बगैर पांच हजार रुपये का गलत भुगतान हो गया. जिरह में यह गवाह भी तनिक भी विचलित नहीं हुआ है। पहली बार इस गवाह से 14-8-02 को तथा दूसरी बार 4-9-02 को प्रार्थी पक्ष ने लंबी जिरह की थी। यह गवाह भी अपने बयानों में ज्वाईल मार्टिन के खिलाफ उक्त आरोप भली-प्रकार प्रमाणित करता है. विपक्षी के गवाह नं.2 के. एम. शर्मा से भी ज्वाईल मार्टिन ने जिरह में अपने पक्ष में इस संबंध में कोई उत्तर हासिल नहीं किया है। इस संबंध में विपक्षी के गवाह नं.1 जे. पी. गोयल एक औपचारिक गवाह मात्र है। अपने उक्त विवेचन के आधार पर मैं आरोप संख्या-4 भी ज्वाईल मार्टिन के विरुद्ध भली प्रकार सही प्रमाणित होना पाता हूं।

आरोप संख्या-5 :— ज्वाईल मार्टिन के विरुद्ध लगाया आरोप संख्या-5 इस प्रकार था कि उसने बदनीयती से किये गये अपने इंद्राजात् को उक्त संदर्भ में सही बताने के लिए इन-ऑपरटिव लेजर नं.35 में 15-7-95 तथा 12-1-96 को बनावटी बैलेसिंग भी दुर्भावना पूर्वक की इस आरोप के संदर्भ में विपक्षी द्वारा पेश किये गये सभी सातों गवाहों के बयानों को दोबारा विवेचित करना मैं आवश्यक नहीं समझता हूं. विपक्षी के सभी सात गवाहों के बयानों से एवं विशेष तौर पर गवाह गिरिराज लाल मीणा एवं गवाह श्री नरेंद्र भार्गव के बयानों से यह आरोप भली-प्रकार प्रार्थी ज्वाईल मार्टिन के खिलाफ बैंक ने सही होना प्रमाणित कर दिया है।

आरोप संख्या-6 :— यह इस प्रकार था कि उसने हरिसिंह यादव के. एस. बी. अकाउंट के 15/1776 से संबंधित लेजर शीट गायब कर दी जो बाद में उसने दिनांक 16-4-96 को ब्रांच मैनेजर एन. के. भार्गव की मौजूदगी में श्री जी. एल. मीणा को लौटाई यह आरोप भी गवाह श्री जी. एल. मीणा के अखंडित एक मात्र बयानों से ही पूरी तरह साबित हो जाता है. गवाह श्री नरेंद्र भार्गव एवं विपक्षी की अन्य साक्ष्य से भी यह आरोप ज्वाईल मार्टिन के खिलाफ पूरी तरह साबित होता है। ज्वाईल मार्टिन ने गवाहों से जिरह में कहीं भी यह प्रश्न नहीं पूछा है कि उसने गायब की हुई अथवा खोई हुई लेजर शीट गिरिराज मीणा को वापस संदेहप्रद हालात में नहीं लौटायी हो।

आरोप संख्या-7 :— इस आरोप को विपक्षी बैंक ने न तो डॉमैस्टिक जांच में प्रैस किया था और न ही हमारे समक्ष साक्ष्य प्रस्तुत करते समय इस आरोप को साबित करने का विपक्षी बैंक ने कोई प्रयास किया है।

इस प्रकार उक्त साक्ष्य विवेचन के आधार पर ज्वाईल मार्टिन के खिलाफ सात में से छः आरोप पूरी तरह सही होना प्रमाणित होते हैं। ज्वाईल मार्टिन द्वारा आरोपों को खंडित करना तो दूर आरोपों के जवाब में उसके द्वारा कोई बचाव कहानी तक नहीं बनायी जा सकी है। बैंक का पूरा रिकार्ड ज्वाईल मार्टिन के कृत्यों को स्पष्ट उजागर करता है. गवाह झूठ बोल सकते हैं लेकिन रिकार्ड झूठ नहीं बोलता है. वर्तमान प्रकरण में तो गवाहों ने भी रिकार्ड के आधार पर तथा अपने बयानों के आधार पर ज्वाईल मार्टिन के खिलाफ सात में से छः गंभीर आरोप भली-प्रकार साबित किये हैं। भारत की सबसे बड़ी राष्ट्रीय बैंक का कर्मचारी खातेदारों से रकम लेकर सीधे जेब में डाल लेवे और भुगतान भी खातों में दर्ज किये बगैर खातेदारों को अपनी जेब से कर देवे तो इससे न केवल वह बैंक को आर्थिक हानि पहुंचती है बल्कि वह बैंक साख पर भी बट्टा लगाता है. भारतीय दंड संहिता 409 ऐसे कर्मचारी के विरुद्ध आपराधिक मामला बैंक द्वारा दर्ज नहीं कराया जाना बैंक की दरियादिली का सबूत है. ऐसे भ्रष्ट तथा अविश्वसनीय कर्मचारी को यदि बैंक ने अपनी सेवाओं से टर्मिनेट कर दिया है तो ऐसा करके बैंक ने कोई अनुचित कार्य नहीं किया है. इस प्रकार दंड के बिंदु पर भी प्रार्थी ज्वाईल मार्टिन इस न्यायालय से कोई रियायत पाने का अधिकारी नहीं है।

परिणामत: केंद्र सरकार द्वारा भेजा गया यह रेफरेंस इस प्रकार निर्णीत किया जाता है कि दिनांक 23-4-98 से एस. बी. आई. जयपुर द्वारा प्रार्थी ज्वाईल मार्टिन की सेवा से टर्मिनेट किया जाना पूर्णत: वैधानिक एवं न्यायोचित था। इस संबंध में बैंक द्वारा डॉमेस्टिक जांच में भले कमियां छोड़ दी गयी हों पर न्यायालय में सात में से छः आरोप प्रमाणित करने में बैंक पूरी तरह सफल रहा है। अत: प्रार्थी बैंक द्वारा किये गये उक्त टर्मिनेशन के क्रम में इस न्यायालय के माध्यम से प्रार्थी ज्वाईल मार्टिन बैंक से कोई अनुतोष प्राप्त करने का अधिकारी नहीं है।

अतुल कुमार जैन, न्यायाधीश

नई दिल्ली, 19 जून, 2003

का. आ. 1949.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार भा. को.को. लि. के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण I धनबाद के पंचाट (संदर्भ संख्या 18/1997) को प्रकाशित करती है, जो केन्द्रीय सरकार को 17-6-2003 को प्राप्त हुआ था।

[सं. एल-20012/396/95-आई.आर. (सी-I)]

एस. एस. गुप्ता, अवर सचिव

New Delhi, the 19th June, 2003

S.O. 1949.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 18/97) of the Central Government Industrial Tribunal I Dhanbad now as shown in the Annexure, in the industrial dispute between the employers in relation to the management of BCCL and their workman, which was received by the Central Government on 17-6-2003.

[No. L-20012/396/95-IR(C-I)]

S. S. GUPTA, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. I, DHANBAD

In the matter of a reference U/s. 10(1)(d)(2A) of the Industrial Disputes Act, 1947.

Reference No. 18 of 1997.

PARTIES:

Employers in relation to the management of Sudamdih Colliery of M/s. B.C.C. Ltd.

AND

Their Workmen.

PRESENT:

SHRI S.H. KAZMI, Presiding Officer.

APPEARANCES:

For the Employers : Shri R. N. Ganguly, Advocate.

For the Workman : None.

State : Jharkhand. Industry : Coal.

Dated, the 5th June, 2003

AWARD

By Order No. L-20012/396/95-IR(C-I) dated the 2nd January, 1997, the Central Government in the Ministry of Labour has, in exercise of the powers conferred by clause (d) of Sub-section (1) and Sub-section (2A) of Section 10 of the Industrial Disputes Act, 1947, referred the following dispute for adjudication to this tribunal :

> "Whether the action of the management in accepting the date of birth on the basis of age assessed by the Medical Board and refusing re-assessment of the age of Shri Rasul Mian is legal and justified? If not, to what relief is the workman entitled ?"

2. It appears from the record that upon receipt of the order of reference this case was registered in this Tribunal on 14-1-1997 and 24-4-1997 was fixed as a date for appearance and for filing of written statement by the workman. But thereafter neither on 24-4-1997 nor on any date fixed subsequently anyone appeared on behalf of the workman and filed written statement. Simply adjournments were granted repeatedly to enable the workman/union to appear and take necessary steps, as required, but no significant development could take place on any date fixed subsequently. It further appears that on the last date fixed *i.e.* 11-4-2003 after noticing the past developments, one more adjournment was granted to the workman/union for the aforesaid purpose with clear and categorical observation that if on the next date also the position would remain the same then some necessary and appropriate order would be passed regarding final disposal of this reference. On that date the notice was also ordered to be issued to the concerned workman/union under registered cover for appearance and for taking necessary steps, as required. Compliance to the said order was made immediately, but as it is obvious today again the position exactly remains the same. Neither anyone has appeared nor the written statement on behalf of the workman has been filed.

It is, thus, apparent from all the aforesaid that the concerned workman or the union has lost interest in this case and does not want to pursue the same any further or the dispute, for adjudication of which the present case has been referred, is no longer in existence. Any way, whatever may be the reason considering all the aforesaid developments it is needless to keep this case pending any further. When the person aggrieved himself is no more interested in pursuing the present case then allowing this case to remain pending any further would be a sheer wastage of time.

This reference, as such, stands finally disposed of.

S. H. KAZMI, Presiding Officer

नई दिल्ली, 19 जून, 2003

का. आ. 1950.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार भा. को.को. लि. के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण-I धनबाद के पंचाट (संदर्भ संख्या 16/1997) को प्रकाशित करती है, जो केन्द्रीय सरकार को 17-6-2003 को प्राप्त हुआ था।

[सं. एल-20012/470/95-आई.आर. (सी-I)]

एस. एस. गुप्ता, अवर सचिव

New Delhi, the 19th June, 2003

S.O. 1950.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 16/97) of the Central Government Industrial Tribunal I, Dhanbad now as shown in the Annexure, in the industrial dispute between the employers in relation to the management of BCCL and their workman, which was received by the Central Government on 17-6-2003.

[No. L-20012/470/95-IR(C-I)]

S. S. GUPTA, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. I, DHANBAD

In the matter of a reference U/s. 10(1)(d)(2A) of the Industrial Disputes Act, 1947.

Reference No. 16 of 1997.

PARTIES:

Employers in relation to the management of South Tisra Colliery, Lodna Area of M/S.B.C.C.Ltd.

AND

Their Workmen.

PRESENT:

SHRI S.H. KAZMI, Presiding Officer.

APPEARANCES:

For the Employers : Shri D.K. Verma, Advocate.

For the Workman : None.

State : Jharkhand. Industry : Coal.

Dated, the 5th June, 2003

AWARD

By Order No. L-20012/470/95-IR(C-I) dated the 2nd January, 1997, the Central Government in the Ministry of Labour has, in exercise of the powers conferred by clause (d) of Sub-section (1) and Sub-section (2A) of Section 10 of the Industrial Disputes Act, 1947, referred the following dispute for adjudication to this tribunal :

"Whether the action of the management of South Tisra Colliery in dismissing from services Shri Satish Bouri w.e.f. 22-12-1990 is legal and justified? If not, to what relief is the concerned workman entitled ?"

2. It appears from record that this reference of the year 1997 is still pending for appearence and for filing of written statement by the workman or the sponsoring union and only adjournment after adjournment was granted at the instant of this Tribunal to enable the workman/union to appear and take necessary steps, as required. It further appears that despite granting several adjournments no significant development at all could take place and on the last date fixed *i.e.* 11-4-2003 while finding the position to be the same clearly it was observed by granting one more indulgence to the workman/union in the aforesaid regard, that if on the next date also the position would remain the same then some necessary or appropriate order would be passed with respect to final disposal of this reference. Notice was also ordered to be issued afresh to the concerned workman/union under registered cover which was accordingly sent immediately. But despite the aforesaid observation and despite notice being sent afresh, the position remained exactly the same and to-day, as noticed above, none was found to be appearing on behalf of the workman.

As such, from all the aforesaid developments it is obvious that the workman or the union has lost interest in this case and does not want to pursue the same any further otherwise they would not have abandoned this case in such a manner. In such circumstances when the person aggrieved himself is no more interested in pursuing the dispute raised by him, it would be sheer wastage of time to allow this case to remain pending any longer.

In view of the aforesaid, this reference stands finally disposed of.

S. H. KAZMI, Presiding Officer

नई दिल्ली, 19 जून, 2003

का. आ. 1951.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार भा. को.को. लि. के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण I, धनबाद के पंचाट (संदर्भ संख्या 159/1990) को प्रकाशित करती है, जो केन्द्रीय सरकार को 17-6-2003 को प्राप्त हुआ था।

[सं. एल-20012/16/90-आई.आर. (सी-1)]

एस. एस. गुप्ता, अवर सचिव

New Delhi, the 19th June, 2003

S. O. 1951.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 159/90) of the Central Government Industrial Tribunal-I, Dhanbad now as shown in the Annexure, in the industrial dispute between the employers in relation to the management of BCCL and their workman, which was received by the Central Government on 17-6-2003.

[No. L-20012/16/90-IR(C-I)]

S. S. GUPTA, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. I, DHANBAD

In the matter of a reference U/s. 10(1)(d)(2A) of the Industrial Disputes Act, 1947.

Reference No. 159 of 1990

PARTIES:

Employers in relation to the management of Jeenagora Colliery of M/S. B.C.C.Ltd.

AND

Their Workmen.

PRESENT:

SHRI S. H. KAZMI, Presiding Officer.

APPEARANCES:

For the Employers : Shri D.K. Verma, Advocate.

For the Workman : Shri A.K. Sharma, Advocate

State : Jharkhand. Industry : Coal.

Dated, the 5th June, 2003

AWARD

By Order No. L-20012/16/90-IR(C-1) dated the 11-7-1990 the Central Government in the Ministry of Labour has, in exercise of the powers conferred by clause (d) of Sub-section (1) and Sub-section (2A) of Section 10 of the

Industrial Disputes Act, 1947, referred the following dispute for adjudication to this Tribunal :

"Whether the action of the management of Jeenagora Colliery, M/s. BCCL, P.O. Khas Jeenagora, Dist. Dhanbad in Premature retirement of Shri Ramdhani Lohar, Blacksmith w.e.f. 1-1-87 and in not referring him to Apex Medical Board for assessment of his age are justified? If not, to what relief the workman is entitled ?"

2. To-day was the date fixed for hearing arguments. But Sri A. K. Sharma appearing on behalf of the workman submits that the legal heirs or representatives of the deceased workman who have already been substituted in the instant case in place of deceased workman by order of the Tribunal earlier, do not want to pursue the present case or the dispute any further. He further submits that the legal heirs are interested now in receiving retiral benefits standing against the deceased workman, from the management and in receiving the same safe-guard be made so that technicalities, such as, delay etc. do not come in the way. Sri Sharma prays for a necessary direction or observation in the said regard. Sri Verma appearing on behalf of the management submits that the management has got no objection if the present reference is finally disposed of and further according to him in case of withdrawal of the retiral benefits no hurdle would be put by the management and the legal heirs upon their satisfying the management that, in fact, they are legal heirs of the deceased would definitely be getting or receiving the retiral benefits of the deceased employee.

In view of the aforesaid stands taken on behalf of the parties this reference is allowed to be finally disposed of. It is needless to observe, in view of the stands taken on behalf of the management, that no tachnicalities would be resorted and no hurdle of any sort would be placed in the way of paying the retiral benefits of the deceased employee to his legal heirs and representatives and the entire payment as against that would be paid to them within a reasonable period from the date of passing of this order.

This reference, as such, stands finally disposed of.

S. H. KAZMI, Presiding Officer

नई दिल्ली, 20 जून, 2003

का. आ. 1952.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार सारस्वत को०ओ० बैंक लिमिटेड के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण नं० 2, मुम्बई के पंचाट (संदर्भ संख्या सीजीआईटी-2/209/1999) को प्रकाशित करती है, जो केन्द्रीय सरकार को 19-6-2003 को प्राप्त हुआ था।

[सं. एल-12012/238/99-आई.आर. (बी-1)]

अजय कुमार, डैस्क अधिकारी

New Delhi, the 20th June, 2003

S.O. 1952.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. CGIT-2/209/1999) of the Central Government Industrial Tribunal No. 2, Mumbai now as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Saraswat Co-operative Bank Ltd. and their workman, which was received by the Central Government on 19-06-2003.

[No. L-12012/238/99-IR(B-1)]

AJAY KUMAR, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 2, MUMBAI

PRESENT:

S. N. SAUNDANKAR : Presiding Officer

Reference No. CGIT-2/209 of 1999

Employers in relation to the Management of Saraswat Co-op. Bank Ltd.

The Managing Dierector,
Saraswat Co-operative Bank Ltd.,
"Mandhusanch", 1st Floor, Sadashiv Cross Lane,
Girgaon, Mumbai-400004.

V/s.

Their Workmen

The President,
Saraswat Co-operative Bank Employees Union,
Laxman Zulla, 2nd Floor, 50, Ranade Road,
Mumbai-400004.

APPEARANCES:

For the Employer : Shri S. P. Dhulapkar, Advocate.

For the Workman : Mr. N. S. Paranjpe, Advocate.

Mumbai, Dated 27th March, 2003.

AWARD-PART-I

The Government of India, Ministry of Labour by its Order No. L-12012/238/99/IR (B-I) dated 9-11-99 in exercise of the powers conferred by clause (d) of Sub-section (1) and Sub-section 2(a) of Section 10 of the Industrial Disputes Act, 1947 have referred the following dispute to this Tribunal for adjudication :

Whether the action of the management of the Saraswat Co-op. Bank Ltd., Mumbai in terminating the services of Shri A.N. Kategiri, Sub-Accountant, w.e.f. 6-3-99 for his alleged misconduct is legal and justified? If not to what relief the workman is entitled to ?

2. Shri A. N. Kategiri had joined the services of the management Saraswat Co-op. Bank Ltd. on 14-8-81 as a Clerk and was promoted as Sub-Accountant from 30-9-89. The Saraswat Co-op. Bank Employees Union vide Statement of Claim (Exhibit-7) pleaded that Kategiri served in the Bank efficiently and when he was posted at Mulund Branch suspended him by letter dated 27-10-95 without giving any opportunity to explain his position in the matter, and that he was issued charge sheet dated 3-11-95 alleging that he did not follow any procedure for bills discounting such as no intimation to drawee parties, and that proceeds of one bill was adjusted against another bill by him, he not only defrauded the bank in connivance with M/s. Previk Chemicals (P) Ltd., but signed all the vouchers for dispersal and recovery of bills knowingly in almost all the cases as Sub-Accountant Incharge of Loan Department, and thereby put the bank in loss. It is averred by the union that inquiry conducted against the workman was against the Principles of Natural Justice in as much as investigating officer in the internal inquiry conducted by the bank in the same matter, was appointed as Management Representative, the bank produced only interested witnesses who were in fact issued show cause notices for their dereliction of duties in the same matter by the bank thereby the witnesses were interested, bank did not produce the star witnesses in the inquiry despite producing the list of witnesses under the fear that these witnesses will spill the truth. It is pleaded that the entire chargesheet is vague and not clear and for all these reasons the inquiry was in violation of equity and fair play. It is averred that the Inquiry Officer without considering the evidence and the documents, recorded the findings against the workman and that the Board of Directors concerned endorsed the same findings without application of mind and that findings being perverse and the inquiry not fair, vitiates consequently it be set aside.

3. Management, Saraswat Co-op. Bank Ltd. resisted the claim of union by filing Written Statement (Exibit-8) contending that Shri Kategiri was discharging supervisory duties as enumerated in Schedule-7 of the Settlement dated 22-4-98 entered into by and between the bank and the union. It is pleaded Kategiri in his capacity as Sub-Accountant was solely responsible for the day to day working of the Loan Department which was entrusted to him. He was responsible and accountable for the day to day work carried out by the Clerks working in the said Loan Department. It was his predominant duty to oversee that the employees working under him are doing the assignment given to them in time and as per the rules and regulations of the bank, in addition to the normal duties of supervisory nature. It is pleaded that Mr. Kategiri was deciding the assignments to be given to the staff working therein depending upon the work loan and other factors, he was recommending leave to the persons working under him, he was over all in charge of the Loan Department, and as such his duties were supervisory, and therefore, he was not a 'workman' as defined under Section 2(s) of the Industrial Disputes Act, consequently reference is not maintainable. Without prejudice to the above contentions, bank pleaded that Mr. Kategiri while working in the Loan Department of Mulund Branch directly involved in playing fraud on the bank to the tune of Rs.58,00,000/-. He had indulged in certain irregularities and therefore he was issued charge sheet dated 3-11-95 suspending him on 27-10-95. It is averred Shri R. R. Kinnerkar was appointed as Inquiry Officer and the Management Representative was Mr. S. K. Prakasham and that Kategiri was defended by the then President of the union Mr. Ramesh Nepali. It is contended that the Inquiry Officer had given sufficient opportunity however Shri Kategiri on 22-6-98 walked out from the inquiry consequently inquiry officer had to close the inquiry that day. It is pleaded that inquiry commenced on 5-12-95, Shri Kategiri did not respond, therefore, relying on the evidence and the documents, the Inquiry Officer vide report dated 17-8-98 held Shri Kategiri guilty for the charges levelled against him and that based on the report the Disciplinary Authority by the letter dated 6-3-99 terminated Shri Kategiri w.e.f. 7-3-99. It is contended Shri Kategiri had preferred appeal however the Board of Directors turned down the same. It is pleaded that Kategiri is not a 'workman' and that inquiry conducted against him was as per the Principles of Natural Justice and the findings recorded by the Inquiry Officer are not perverse. Consequently bank contended to reject the claim of Kategiri.

4. By Rejoinder (Exhibit-9) union reiterated the recitals in the Statement of Claim denying the averments in the Written statement contending that Kategiri was mainly discharging duties as Clerk, moreover charge sheet was issued to Kategiri in accordance with the provisions of Model Standing Orders under Industrial Employment (Standing Orders) Central Rules, 1946 and that the inquiry was conducted on the basis of Model Standing Orders only and he was giveen suspension allowance in accordance with the provisions of standing orders applicable to him, thereby Mr. Kategiri was falling in the category of 'workman'.

5. On the basis of the pleadings issues were framed at Exhibit-11. In the context of preliminary issues Mr. Kategiri filed affidavit in lieu of Examination in Chief (Exhibit-16/16A) and that union closed oral evidence vide purshis (Exhibit-31). In rebuttal, Branch Manager, Goregaon (East) Branch, Mrs. M. T. Dalvi filed affidavit (Exhibit-23) and the Inquiry Officer Mr. Rajesh R. Kinnerker (Exhibit-33) and the management bank closed oral evidence vide purshis (Ex-33A).

6. Union filed written submissions (Exhibit-35) and the management bank (Exhibit-38) along with the copies of rulings. On hearing the Learned Counsels for the parties, and going through the record as a whole, and the written

submissions, I record my findings on the following preliminary issued for the reasons mentioned below :—

Issues	Findings
1. Whether A. N. Kategiri Sub-Accountant was the 'workman' within the meaning of Section 2(s) of the Industrial Disputes Act of 1947 at the relevant time?	Yes.
2. Whether the domestic inquiry which was conducted against the workman was against the Principles of Natural Justice?	No.
3. Whether the findings of the Inquiry Officer are perverse?	No.

REASONS

7. At the threshold, the Learned Counsel Shri Dhaulapkar for the bank, inviting attention to the written submission and the rulings, submitted that Shri Kategiri does not fall within the definition of 'workman' under Section 2(s) of the Industrial Disputes Act, consequently, reference is not maintainable. Admittedly Kategiri at the relevant time was working as Sub-Accountant. Branch Manager Mrs. Dalvi stated that Kategiri in his capacity as Sub-Accountant was responsible for the day to day working of the Loan Department which was entrusted to him, and that he was also accountable for the day to day work carried out by the Clerk working in the said department, and that his predominant duties was to foresee the employees working under him as per the rules and regulations of the bank. She disclosed that two Clerks and one Peon were working under his direct control and supervision, he was deciding assignments to be given to the staff working under him depending upon the work load and other factors, and that he was overall in charge of the Loan Department. Mrs. Dalvi pointed out that in the course of employment Mr. Kategiri used to meet the prospective customers who wish to avail loan from the bank in order to ascertain as to whether their cases are suitable for the bank's consideration and for scrutiny of documents and further process of loan application etc. According to her Mr. Kategiri was meeting prospective customers with a view to generate business for the bank, and that he was assigning various documents such as voucher prepared by the clerical staff, and as such his duties were not predominantly mannual, clerical or technical in nature, but were of supervisory nature, therefore he is not a 'workman' under the Act. Kategiri denied the same contending that as Sub-Accountant he was discharging duties as stated in the settlement and that he was required to perform duties by rotation as decided by the Branch Manager. According to him, he had no power to take independent decision in any of the matters neither he was empowered to sanction anybody's leave and that he used to carry out the duties clerical in nature and never perform supervisory/ administrative duties. Consequently he is a 'workman' under the Act and therefore the reference is maintainable.

8. Kategiri in his cross-examination admittedly that he used to verify the entires written by the Clerks in the register and that he used to correct the entries made by the Clerks by putting initials, he used to guide the Clerk concerned as to how the entry to be made and that his main work was to verify the work of the Clerks. He further admits that he used to perform the duties as mentioned in page 30/exhibit-27 and that Clerks perform the duties as stated in page 33/Exhibit-27. He clearly admitted that he signed the vouchers filed with list (Exhibit-10) and the documents with list (Exhibit-25) 'for Branch Manager' putting remark 'checked'. At the same time, Branch Manager Mrs. Dalvi in her cross-examination para. 10 & 11 admitted that as Branch Manager she was responsible to get the work done from the staff and that Kategiri did not issue any charge-sheet to any staff. So far definition of workman under Section 2(s) defines 'workman' as under :

> "Workman" means any person (including an apprentice) employed in any industry to do any manual, unskilled, skilled, technical, operational, clerical or supervisory work for hire or reward, whether the terms of employment be express or implied, and for the purposes of any proceedings under this Act in relation to an industrial dispute, includes any such person who has been dismissed, discharged or retrenched in connection with, or as a consequence of, that dispute, or whose dismissal, discharge or retrenchment has led to that dispute, but does not include any such person :—
>
> (i) .....
> (ii) .....
> (iii) .....
> (iv) .....

Their Lordships of the Apex Court in S. K. Verma V/s. Mahesh Chandra and Anr. 1993 LAB IC 1483 enlighting on the Act pointed out that the legislation intended to bring about peace and harmony between management and labour in an industry so that production does not suffer and at the same time, labour is not exploited and discontinued therefore the test so applicable is to give the widest possible connotation to the term industry and had impressed whenever a question raised whether a particular person is a 'workman' or the concern is an 'industry' the approach must be broad and liberal and not rigid or doctrinaire further pointed out that the object of the special welfare legislation is to ensure social justice.

9. While discussing the definition of workman Their Lordships of Bombay High Court in Union Carbide (India) Ltd. V/s. D. Samuel and Ors. 1999 LLR 21 while discussing supervisor and 'workman' laid down tests :—

(1) Designation is not material but what is important is the nature of work.

(2) Find out the dominant purpose of employment and not any additional duties, the employee may be performing.

(3) Can he bind the company/employer to some kind of decisions on behalf of the Company/employer.

(4) Has the employee power to direct or oversee the work of his subordinates.

(5) Has he power to sanction leave or recommend it; and

(6) Has he the power to appoint, terminate or take disciplinary action against workman.

In S. K. Verma V/s. Mahesh Chandra's case Their Lordship in para 6 observed :

"After all what is in a name? Notwithstanding the glorified designation, we must look to the nature of his duties to discover what precisely a development officer is?"

and in para 9 further observed :

"Development Officer in the Life Insurance Corporation even in a workman."

On going through the ruling and the definition of workman it emerges that designation of the employee is not of much importance, and that what is important is the nature of duties. As admitted by Mrs. Dalvi as Branch Manager she was responsible to get the work done from the staff and that Mr. Kategiri had no power to issue charge-sheet to any staff and that ultimately authority to sanctior the leave is the Board of Directors, coupled with the evidence in the light of the tests laid down in the rulings referred to above, it seems the main duties of Kategiri are not supervisory/administrative but manual/clerical though designated as Sub-Accountant .

10. The Learned Counsel Shri Paranjpe for the union submitted that the bank for the first time treated Kategiri as Supervisor though at all levels right from suspension and issuance of charge-sheet till his dismissal treated as a workman obviously to throw him out of the track. He pointed out that Kategiri was suspended and issued charge sheet dated 3/11/95 under the provisions of the Industrial Employment Standing Orders, his service conditions are governed by settlement entered between the union and the bank. The settlement showed the duties performed by Sub-Accountant not as Supervisor. The circular filed on record with list (Exhibit-10) shows no powers have been delegated to the post of Sub-Accountant. When bank since beginning treated Kategiri as 'workman' it is certainly now estopped from raising the issue of workman. Therefore, looking the circulars, the conduct of the bank and the tests in view of the discussion supra, it is apparent that Kategiri does not perform supervisory/administrative/managerial duties, therefore, he falls within the definition of 'workman' under section 2 (s) of the Industrial Disputes Act. Consequently, this Tribunal has jurisdiction in width to decide the reference. Issue No.1 is consequently answered in the affirmative.

11. So far inquiry is concerned, according to workman Kategiri it was conducted against the Principles of Natural Justice and fair play, therefore, vitiates. According to him charges against him were vague and do not disclose the material particulars, he was not given full opportunity to defend himself as the management abruptly closed the inquiry on 22/6/98 though the inquiry officer had given long rope to management witnesses, documents which were demanded were not supplied. Consequently, he was prevented from establishing his innocence during the inquiry. Inquiry Officer Mr. Kinnerkar flatly denied the same contending that the workman himself walked out from the inquiry on 22/6/98 and that despite giving sufficient opportunity, he did not take steps to engage another defence representative. He has flatly denied that inquiry was conducted against the Principles of Natural Justice.

12. As regards domestic inquiry. Their Lordships of the Apex Court in Sur Enamel and Stamping Works V/s. Their Workmen **1963 II LLJ SCC pg.367** ruled that inquiry cannot be said to have been properly held unless:—

(1) the employee proceeded against has been informed clearly of the charges levelled against him.

(2) the witnesses are examined-ordinarily in the presence of the employee in respect of the charges.

(3) the employee is given a fair opportunity to cross-examine witnesses.

(4) he is given a fair opportunity to examine witnesses including himself in his defence if he so wishes on any relevant matter, and

(5) the inquiry officer records his findings with reasons for the same in the report.

13. So far the workman's contention that inquiry vitiates as the charges levelled against him were not clear as stated in affidavit (Exhibit-16) though not averred in Statement of Claim (Exhibit-7) he clearly admits in his cross-examination on page12 that he had given reply to the charge-sheet dated 3/11/95 and that he did not complain in writing to the bank on the vagueness of charges. He had admittedly received copies of the inquiry proceedings on each and every date. Workman was a Senior Employee in the bank dealing in Loan Department and that his Defence Representative Mr. Nepali was a Law Graduate and an Union Office bearer. On perusing the inquiry proceedings filed with list (Exhibit-10) in three volumes nowhere pointed out by the workman that he did not understand the charges. Had the charges not understood being vague and not clear he himself or his Defence Representative would have pointed out, however, it appears he disclosed so afterthought which does not

carry substance. So far the documents demanded but not supplied is concerned, workman admits that bank had given him inspection of the documents and that he had received copies of the documents on which management relied. Assuming for a moment, documents were not supplied, what is relevant is whether those documents were referred by the management and were relevant. Only to make the contention of not furnishing documents is not sufficient and that it has to be pointed out that not furnishing relevant documents occasioned prejudice. However, on going through the voluminous documents, nowhere finds that prejudice had caused to workman on this ground.

14. The Learned Counsel Mr. Paranjpe for the union urged with force that full opportunity was not given to workman to defend his case thereby Principles of Natural Justice have not been followed. He submits that Inquiry Officer gave sufficient opportunity to the management representative but on 22-6-98 when workman requested to grant time, it was rejected and that abruptly Inquiry Officer closed the case that day. Management examined Inquiry Officer Mr. Kinnerkar who disclosed in details in the light of the proceedings. Inviting attention to the inquiry proceedings filed with list (Exhibit-10) Counsel for the management Mr. Dhulapkar submitted that inquiry commenced on 5-12-95 was closed on 22-6-98 and that report was prepared of the charge sheet dated 3-11-95 on 17-8-98 that means, inquiry continued for 2½ years and that it cannot be said to be done with haste. He urged inviting attention of this Tribunal to the details given on pg. 36 of written submissions (Exhibit-38) that it is the workman who avoided the inquiry and tried to delayed it. I have gone through the inquiry proceedings (Exhibit-10) which clearly shows that during the period 5-12-95 to 22-6-98, 162 hearings taken place and that 40 times Defence Representative sought adjournment. On many dates workman was not present though the management representative and witnesses were present. True it is, Inquiry Officer Mr. Kinnerkar in his cross-examination Para 13 admitted that charges against the workman were serious in nature and that management also sought many adjournments during the inquiry. What is relevant is in the serious charges whether workman taken care to participate along with Defence Representative in order to complete the inquiry. When chargers were serious workman should be very much alert in protecting his interests by attending the inquiry. However, it appears, since beginning workman deliberately tried to protract the inquiry. On perusing the inquiry proceedings it is seen after giving sufficient opportunity to workman on 22-6-98 he repeatedly told that he will answer questions only in the presence of Defence Representative and further it is apparent that sufficient opportunity was given to the workman to bring his Defence Representative. In spite of giving sufficient opportunity workman did not bother for which Inquiry Officer cannot be blamed. Rules of Natural Justice are not embodied rules. Whether prejudice is caused to the workman is to be looked at from the angle of justice or of natural justice. The objective of Principles of Natural Justice is to ensure that justice is done. Justice means justice between both the parties. The interests of justice naturally demands that the guilty should be punished and that technicalities and irregularities which do not occasion failure of justice are not allowed to defeat the ends of justice. Principles of Natural justice are but means to achieve the ends of justice. They cannot be perverted to achieve the very opposite end as observed by the Hon'ble Supreme Court in State Bank of Patiala V/s. S. K. Sharma reported in **1996 II CLR pg. 29.** No tailor made procedure is applicable to the domestic inquiry. The question whether the Principles of Natural Justice have been violated or not is to be found out on consideration as to whether the procedure adopted by the appropriate authority is in accordance with the law or not, whether the delinquent knew the charges he was going to face, whether he has been given opportunity to state his case and whether the authority acted in good faith. On perusal of the inquiry proceedings, it is apparent that workman was informed clearly on the charges levelled against him, witnesses were examined ordinarily in the presence of workman and his defence representative in respect of the charges and that he was given fair opportunity. As stated above, inquiry continued for 2½ years and not that with haste it was ended, therefore, hardly can be said that no opportunity was given to the workman.

15. So far the Findings according to the workman are perverse is concerned 'perversity' is that when the findings are such which no reasonable person would have arrived at on the basis of material before him as pointed out by the Hon'ble Apex Court in Central Bank of India V/s. Prakash Chand Jain reported in **1969 II LLJ 877.** The Learned Counsel Mr. Paranjpe for the union urged that it is obligatory on the Inquiry Officer to analyse the evidence on record and give the findings with reasons relying on Anil Kumar V/s. Presiding Officer and Ors. Reported in **AIR 1985 SC 1121** wherein their Lordships in Para 5 & 6 observed :

> "An enquiry report in a quasi-judicial enquiry must show the reasons for the conclusion. It cannot be Ipse dixit of the Enquiry Officer. It has to be a speaking order in the sense that the conclusion is supported by reasons; this is too well-settled to be supported by a precedent. In Madhya Pradesh Industries Ltd. V/s. Union of India (1966) 1 SCR 466 (AIR 1966 SC 671) this court observed that a speaking order will at best be a reasonable and at its worst be at least a plausible one. The public should not be deprived of this only safeguard. Similarly in Mahabir Prasad V/s. State of Uttar Pradesh (1971) 1 SCR 201 (AIR 1970 SC 1302) this court reiterated the satisfactory decision of a disputed claim may be reached only if it be supported by the most cogent reasons that appealed to the authority. It should all the more be so where the quasi-judicial enquiry may result in deprivation of livelihood or attach a stigma to the character. In this case the enquiry report is an order sheet which merely produces the stage through which the enquiry passed. It clearly disclosed a total non application of mind and it is this report on which the General Manager acted in terminating the service of the appellant. There could not have been a gross case of non-application of mind and it is such an enquiry which has found favour with the Labour Court and the High Court. Where a disciplinary enquiry affects

the livelihood and is likely to cast a stigma and it has to be held in accordance with the principles of Natural Justice the minimum expectation is that the report must be a reasoned one. The Court then may not enter into the adequacy or sufficiency of evidence. But where the evidence is annexed to an order sheet and no correlation is established between the two showing application of mind, we are constrained to observe that it is not an inquiry report at all. Therefore, there was no enquiry in this case worth the name and the order of termination based on such proceeding disclosing non-application of mind would be unsustainable."

In the case in hand, as seen from the inquiry report dated 17-8-98 filed with list (Exhibit-10) pg.856-908 show admissions of the workman throw light in the matter. With detailed reasons on proper appreciation of evidence and the documents on record, he has arrived at the conclusions on the willful disobedience of law and reasonable orders of the superiors, fraud and dishonesty in connection with employers business and act subversive of discipline on the part of workman which clearly disclose that the Inquiry Officer by proper application of mind held the charges proved. Consequently, the above said decision in Anil Kumar V/s. Presiding Officer & Ors. is no avail for the workman. In domestic inquiry as stated above, it is to be seen in totality whether any prejudice had caused. However, going through the record as a whole in the light of the decision in Sur Enamel and Stamping Works case, nowhere finds that the findings are not based on the evidence and the documents on record. It is thus clear that domestic inquiry conducted against the workman was as per the Principles of Natural Justice and that the findings since based on the evidence and documents on record, not perverse. Issues Nos. 2 & 3 are answered accordingly and hence the order :

ORDER

The domestic inquiry conducted against the workman was as per the Principles of Natural Justice and the findings of the Inquiry Officer are not perverse.

S. N. SAUNDANKAR, Presiding Officer

नई दिल्ली, 20 जून, 2003

का. आ. 1953.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार नोदर्न रेलवे, के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण कम-लेबर कोर्ट, चंडीगढ़ के पंचाट (संदर्भ संख्या आईडी-178/2001) को प्रकाशित करती है, जो केन्द्रीय सरकार को 19-6-2003 को प्राप्त हुआ था।

[सं० एल-41012/11/2001-आई.आर. (बी-1)]

अजय कुमार, डैस्क अधिकारी

New Delhi, the 20th June, 2003

S.O. 1953.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Case No. ID. 178/2001) of the Central Government Industrial Tribunal-cum-Labour Court, Chandigarh now as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Northern Railway, and their workman, which was received by the Central Government on 19-6-2003.

[No. L-41012/11/2001-IR(B-I)]

AJAY KUMAR, Desk Officer

ANNEXURE

CENTRAL GOVT. INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT CHANDIGARH

Presiding Officer : **SHRI S. M. GOEL**

Case No. ID 178/2001

Shri Prabhu Nath Ram, S/o Sh. Muneshwar Ram C/o Sh. Dhyan Chand Gandhi H.No.64, Baba Peer (Panch) Jawahar Nagar, Farukpur, Jagadhari Workshop, Yamunanagar (Haryana) ....Applicant

V/s

The Asstt. Controller of Stores,
Northern Railway, Jagadhari Workshop,
Distt. Yamunanagar (Haryana) ....Respondent.

REPRESENTATIVES

For the workman : None.

For the management : Sh. N. K. Zakhmi.

AWARD

(Passed on 9th May, 2003)

The Central Govt. Ministry of Labour vide Notification No. L-41012/11/2001/IR(B-I) dated 24th April, 2001 has referred the following dispute to this Tribunal for adjudication :

"Whether the action of the management of Jagadhari Workshop, Northern Railway, Yamunanagar (Haryana) in terminating the services of Shri Prabhunath Ram S/o Shri Muneshwar Ram, Banglow, Peon, w.e.f. 18-6-92 is justified ? If not, what relief the workman is entitled?"

2. Case repeatedly called. None has put up appearance on behalf of the workman. It appears that workman is not interested to persue with the present reference. In view of the above the present reference is dismissed in default and returned as such to the Appropriate Authority for publication. Central Govt. be informed.

CHANDIGARH

Dated : 9th May 2003.

S. M. GOEL, Presiding Officer

नई दिल्ली, 23 जून, 2003

का. आ. 1954.—केन्द्रीय सरकार, लौह अयस्क खान, मैंगनीज अयस्क खान और क्रोम-अयस्क खान, श्रम कल्याण निधि अधिनियम, 1976 (1976 का 61) की धारा 2 की उपधारा (1) के खण्ड (छ) के उपखंड (ii) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए और भारत के राजपत्र, भाग II, खण्ड-3, उपखण्ड (ii) तारीख 8 फरवरी, 2003 में

प्रकाशित इस मंत्रालय की अधिसूचना सं. का. आ. 515 तारीख 24 जनवरी, 2003 के अनुक्रम में, नीचे अनुसूची में विनिर्दिष्ट कारखानों को, उक्त अधिनियम के प्रयोजनों के लिए धातुकर्म कारखाने घोषित करती है, अर्थात्:—

अनुसूची

1. मैसर्स इस्पात इंडस्ट्रीस लिमिटेड, गीतापुरम (दोल्वी), तालुका-पैन, जिला रायगढ़-402107 (महाराष्ट्र)
2. मैसर्स इस्पात मैटालिक्स इण्डिया लिमिटेड, गीता पुरम (दोल्वी), तालुका-पैन, जिला रायगढ़-402107 (महाराष्ट्र)
3. मैसर्स विक्रम इस्पात, डाकखाना रेवदांदा (एक्सटेंशन काऊंटर), जिला रायगढ़-402202 (महाराष्ट्र)
4. मैसर्स ऊषा इस्पात लिमिटेड, टेरेखोल रोड, रेडी-416517 तालुका-वेनगुरला, जिला सिंधुदुर्ग, (महाराष्ट्र)
5. मैसर्स इसीबार्स लिमिटेड, जैनिथ कंपाऊंड खोपोली-410203 जिला रायगढ़ (महाराष्ट्र)
6. मैसर्स जोगलेकर रिफ्रैक्टरीज एण्ड सैरामिक्स प्रा. लिमिटेड, 101/102, मैगनम ओपस, शान्ति नगर इंडस्ट्रियल एरिया, वकोला, सांताक्रूज (ई), मुम्बई-400055 (महाराष्ट्र)
7. मैसर्स सनफ्लैग आयरन एण्ड स्टील कम्पनी लिमिटेड, भंडारा रोड, भंडारा-441905 (महाराष्ट्र)
8. मैसर्स अम्बूजा सीमेंट, एट एण्ड पोस्ट-ऊपरवाही-442908, तालुका-कोरपना, जिला चन्द्रपुर (महाराष्ट्र)
9. मैसर्स नागपुर पावर एण्ड इंडस्ट्रीज लिमिटेड, डाकखाना खन्डेलवाल नगर-441402 जिला नागपुर (महाराष्ट्र)
10. मैसर्स माइक्रोमेश मिनरलस एण्ड मैटल्स, होटल ग्रैंड बिल्डिंग, अपोजिट म्यो अस्पताल, सैन्ट्रल एवेन्यू, नागपुर-440018 (महाराष्ट्र)
11. मैसर्स मिनरल्स एण्ड मैटल्स रिसोरसिस, बर्फ कारखाने के पास. होटल ग्रैंड, नागपुर-440018 (महाराष्ट्र)
12. मैसर्स नागपुर पल्वेराइज़र्स एण्ड मिनरल्स लिमिटेड, बी-28, एम आई डी सी, हिंगना रोड, नागपुर-440016 (महाराष्ट्र)
13. मैसर्स सुपरफाइन मिनरल्स, 198, साकेत, मशरूवाला मार्ग, धर्मपेठ एक्स. नागपुर-440010 (महाराष्ट्र)
14. मैसर्स मानिकगढ़ सीमेंट, डाकखाना गदचंदूर-442908 तहसील कोरपना, जिला चंद्रपुर (महाराष्ट्र)

[फा.सं. एस-23017/1/2001-डब्ल्यू. II]

राजपाल, निदेशक

New Delhi, the 23rd June, 2003

S. O. 1954. — In exercise of the powers conferred by sub-clause (ii) of clause (g) of sub-section (1) of Section 2 of the Iron Ore Mines, Manganese Ore Mines and Chrome Ore Mines Labour Welfare Fund Act, 1976 (61 of 1976) and in continuation of this Ministry's Notification number S.O. number 515 dated the 24th January, 2003, published in Part II, Section 3, sub-section (ii) of the Gazette of India, dated the 8th February, 2003, the Central Government hereby declares the factories specified in the Schedule below to be metallurgical factories for the purposes of the said Act, namely :—

SCHEDULE

1. M/s. Ispat Industries Limited, Geetapuram (Dolvi), Taluka -Pen, District Raigad-402107 (Maharashtra)
2. M/s. Ispat Metallics India Limited, Geetapuram (Dolvi), Taluka- Pen, District Raigad-402107 (Maharashtra)
3. M/s. Vikram Ispat, Post Office Revdanda (Extn. Counter), District Raigad-402202 (Maharashtra)
4. M/s. Usha Ispat Limited, Terekhol Road, Redi-416517 Taluka Vengurla, District Sindhudurg, (Maharashtra)
5. M/s. Isibars Limited, Zenith Compound, Khopoli-410203 District Raigad (Maharashtra)
6. .M/s. Joglekar Refractories and Ceramics Private Limited, 101/102, Magnum Opus, Shanti Nagar Industrial Area, Vakola, Santacruz(E), Mumbai-400055 (Maharashtra)
7. M/s. Sunflag Iron and Steel Company Limited, Bhandara Road, Bhandara-441905 (Maharashtra).
8. M/s. Ambuja Cement, At and Post - Upparwahi-442908, Taluka- Korpana, District Chandrapur (Maharashtra)
9. M/s. Nagpur Power and Industries Limited, Post Office Khandelwal Nagar-441402 District Nagpur (Maharashtra)
10. M/s. Micromesh Minerals and Metals, Hotel Grand Building, Opposite Mayo Hospital, Central Avenue, Nagpur-440018. (Maharashtra)
11. M/s. Minerals and Metals Resources, Near Ice Factory, Hotel Grand, Nagpur-440018 (Maharashtra)
12. M/s. Nagpur Pulverizers and Minerals Limited, B-28, MIDC, Hingna Road, Nagpur-440016 (Maharashtra)
13. M/s. Superfine Minerals, 198, Saket, Mashruwala Marg, Dharampeth Extn., Nagpur-440010 (Maharashtra)
14. M/s. Manikgarh Cement, Post Office Gadchandur-442908, Tehsil Korpana, District Chandrapur (Maharashtra)

[F. No. S-23017/1/2001-W. II]

RAJ PAL, Director

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